

#26049

SPENCER, Linda

ADMIN. APPEAL
TO
P.C.

**Appealing Building Permit
Issued**

Additional Info Added to File #26049

THEODORE W. HERZOG, P.A.

ATTORNEY AT LAW

1101 SIMONTON STREET, KEY WEST, FL 33040
TELEPHONE (305) 293-9655 TELEFAX (305) 293-9577

FAX & U.S. MAIL

September 8, 2006

Nicole Petrick, Planing & Zoning Coordinator
Marathon Government Center
2798 Overseas Highway, Suite 410
Marathon, Florida 33050

Re: Spencer/Tucker Appeal

Dear Ms. Petrick:

I am writing this letter to you as attorney for Appellant above in regard to the Appeal Hearing currently set for September 13, 2006 before the Planing and Zoning Commission. I have taken over representation for the Spencers from Lee Rohe,

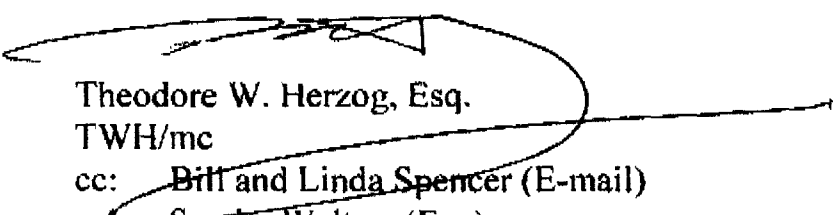
As I indicated to you by voicemail yesterday and in our telephone conversation this morning at about 9:30, I have discussed continuance of the Spencer/Tucker Appeal Hearing with Bob Shillinger of the County Attorney's office. Mr. Shillinger and Jerry Sanders are both, as I understand it, leaving for Tallahassee on Sunday, September 10, 2006 and will be there at least through September 13, 2006. I have a two day felony jury trial before Judge Jones here in Key West (State of Florida v. Robert Leplante/16th Judicial Circuit in and for Monroe County, Florida, Case No. CFK050000642A) with jury selection on Monday September 11, 2006. I have been advised by Joe Spataro of the State Attorney's office that the actual jury trial will take place on Wednesday and Thursday September 13 and 14, 2006.

Based upon the foregoing, we respectfully request that the September 13, 2006 Appeal Hearing be continued. Again, it is my understanding that Mr. Shillinger and Mr. Sanders are in agreement. I understand from your comment in our conversation, that first requests for continuance are granted as a matter of routine, but I assure that our request is for the foregoing reasons and not simply for unnecessary delay.

Nicole Petrick, Planing & Zoning Coordinator
September 8, 2006
Page 2

We request that the hearing be reset for November 8, 2006 as Mrs. Spencer will be out of the country from October 2 - 23, 2006. Please confirm the new hearing date. If you have questions or comments, please advise. Thank you for your cooperation.

Respectfully,



Theodore W. Herzog, Esq.

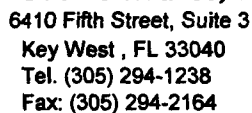
TWH/mc

cc: Bill and Linda Spencer (E-mail)

Sandra Walters (Fax)

Jerry Sanders, Esq. (Fax)

Robert Shillinger, Esq. (Fax)



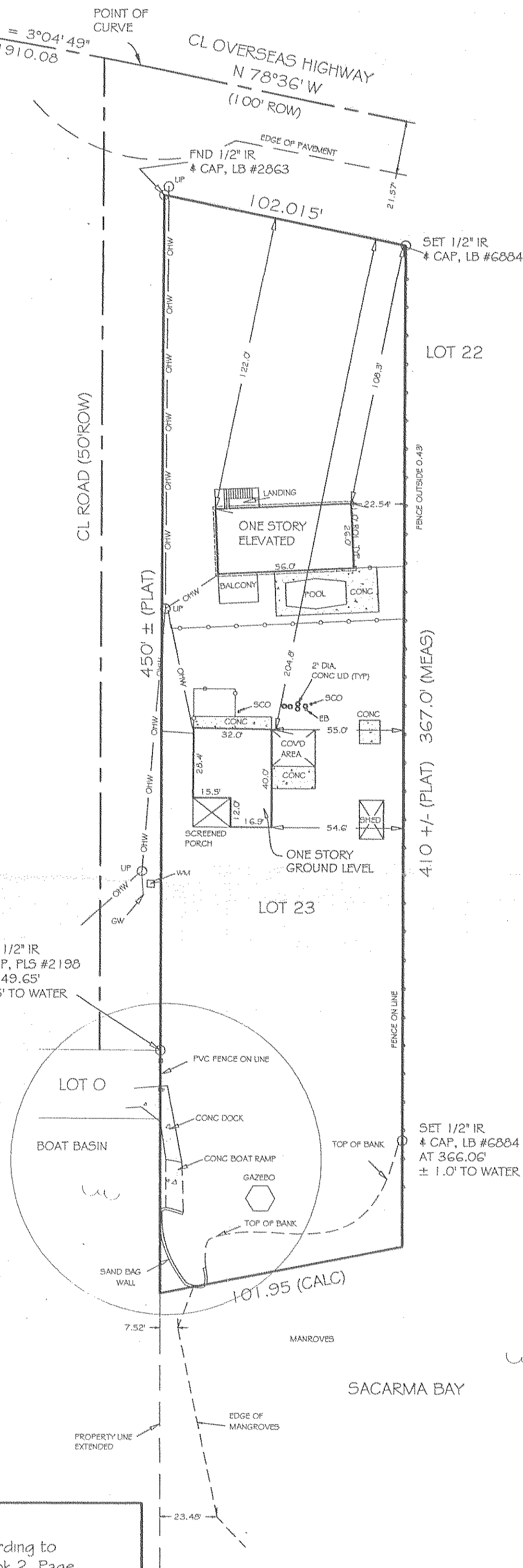
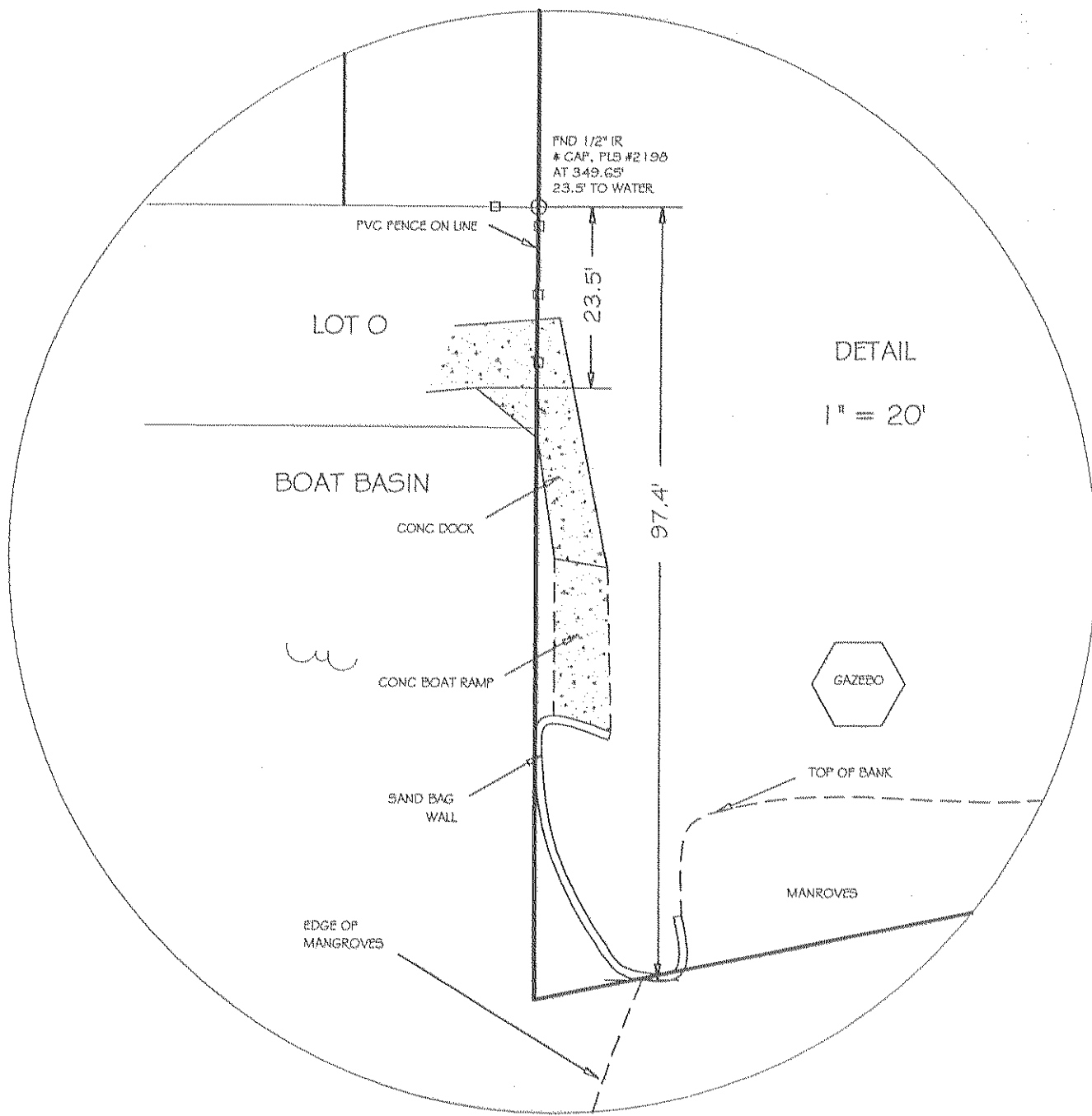
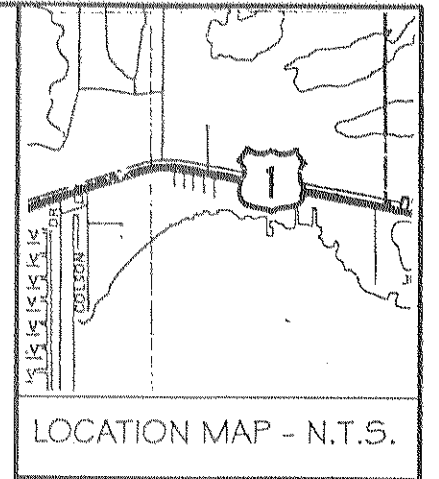
DATE: Sep. 06, 2006	JOB NO.: 015-0904
PROJECT NAME: Dock Permitting	

ATTENTION: Nicole Petrick
RE: Map of Boundary Survey, Lot 23, Scarma Subdivision
Linda Spencer

☐ Other[illegible]

☐ For approval ☐ Approved as submitted ☐ Resubmit ___ copies for approval
☒ For your use ☒ Approved as noted ☐ Submit ___ copies for distribution
☐ As requested ☐ Returned for corrections ☐ Return ___ corrected prints
☐ For review and comment ☐ _____
☐ For Bids Due ☐ PRINTS RETURNED AFTER LOAN TO US

DATED: 9/6/05



SCALE 1"=40'

SCALED FROM PLAT

BEARING BASE DERIVED FROM
PLAT AS CENTERLINE OF
OVERSEAS HWY. N 78°56' W

ALL ANGLES ARE
90 DEGREES UNLESS
DEPICTED OTHERWISE

ADDRESS:
21550 & 21552 OVERSEAS HWY.
CUDJOE KEY, FLORIDA
33042

REVISIONS:
1. 02-21-06: ADDED AEROBIC SYSTEM: BY KB

CERTIFIED TO -
LINDA SPENCER

LEGAL DESCRIPTION -
Lot 23, SACARMA SUBDIVISION, according to
the Plat thereof as recorded in Plat Book 2, Page
48 of the Public Records of Monroe County,
Florida.

SCALE: 1"=40'
FIELD WORK DATE: 01/11/05
REVISION DATE: 02/21/06
SHEET: 1 OF 1
DRAWN BY: KB
CHECKED BY: RR
INVOICE NO.: 4102002

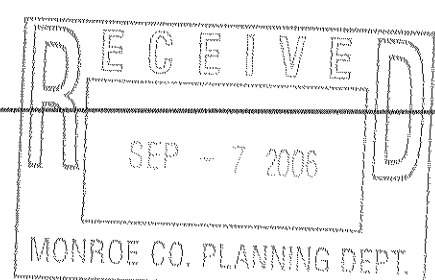
I HEREBY CERTIFY THAT THIS SURVEY WAS MADE UNDER MY RESPONSIBLE CHARGE AND MEETS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES. THIS SURVEY, WHEN SCHEDULE B HAS BEEN PROVIDED MEETS THE PROVISIONS OF FLORIDA ENDORSEMENT FORM 9, SUBPARAGRAPH 1(B) 1 (SETBACKS), 1 (B)3 (ENCROACHMENTS), & 1 (B)4 (EASEMENTS), SCHEDULE "B" HAS NOT BEEN PROVIDED

SIGNED: *R.E. Reece*
ROBERT E. REECE, PSM 15632, PROFESSIONAL SURVEYOR AND MAPPER, LB 36584

NOT VALID WITHOUT THE SIGNATURE AND THE RAISED SEAL OF A FLORIDA SURVEYOR AND MAPPER

R.E. REECE, P.A.
PROFESSIONAL SURVEYOR AND MAPPER
30364 QUAIL ROOST TRAIL, BIG PINE KEY, FL 33043
OFFICE (305) 872 - 1348
FAX (305) 872 - 5622

MAP OF BOUNDARY SURVEY
LOT 23
SACARMA SUBDIVISION



Appellee's Exhibit List:

Photos

- A- Spencer Fill Restricting Boat Access
- B- Spencer Fill Restricting Boating Access
- C- Boats Moored at Spencer Property
- D- Stake on East side of Bay Bottom per Survey
- E- No obstruction to water access
- F- No Restriction to Boating Access
- G- No Restriction to Boating Access

Misc.

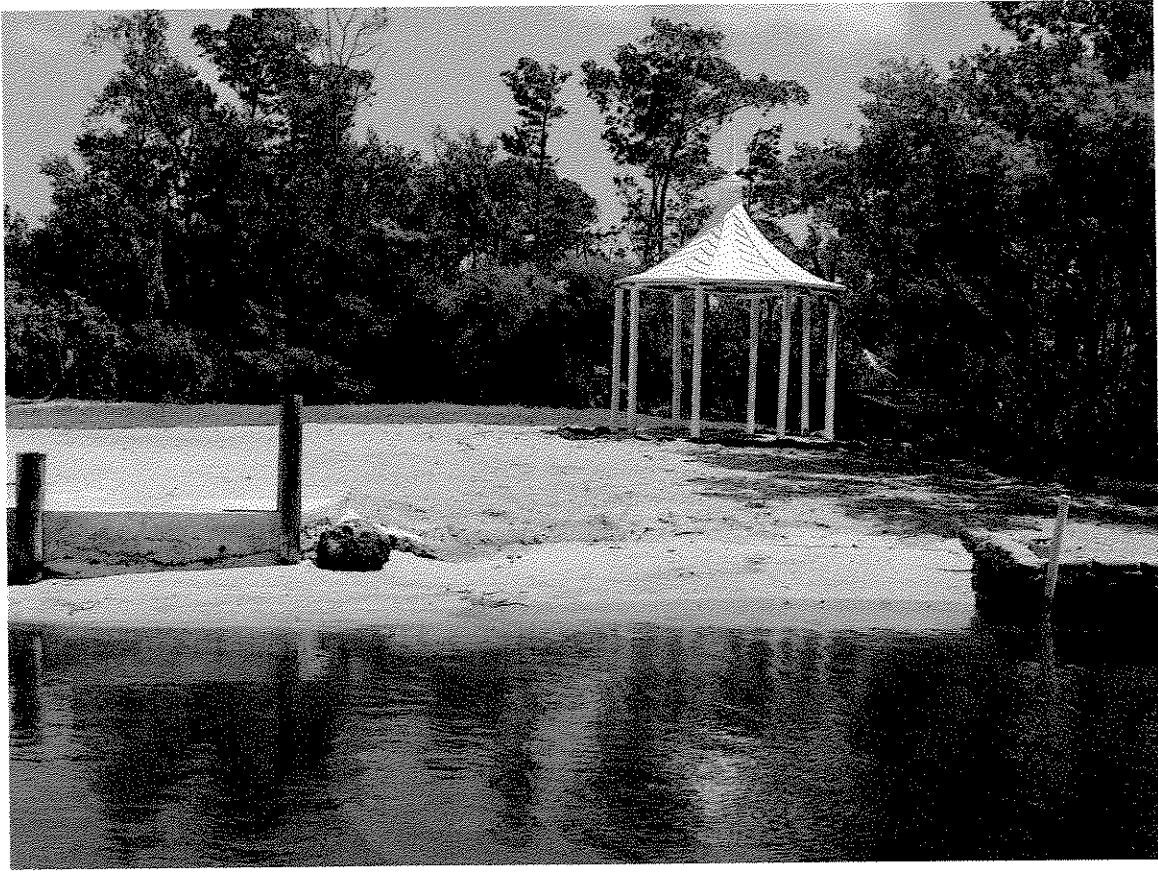
- H- Property Appraiser website plat map
- I- Survey of Bay bottom and Lot "O" dated 4/14/05
- J- DEP exemption letter dated 6/15/06 with Florida Admin Code Section 40E-4.051(3)(a)



SPENCER FILL RESTRICTING BOAT ACCESS

Appellee's Exhibits

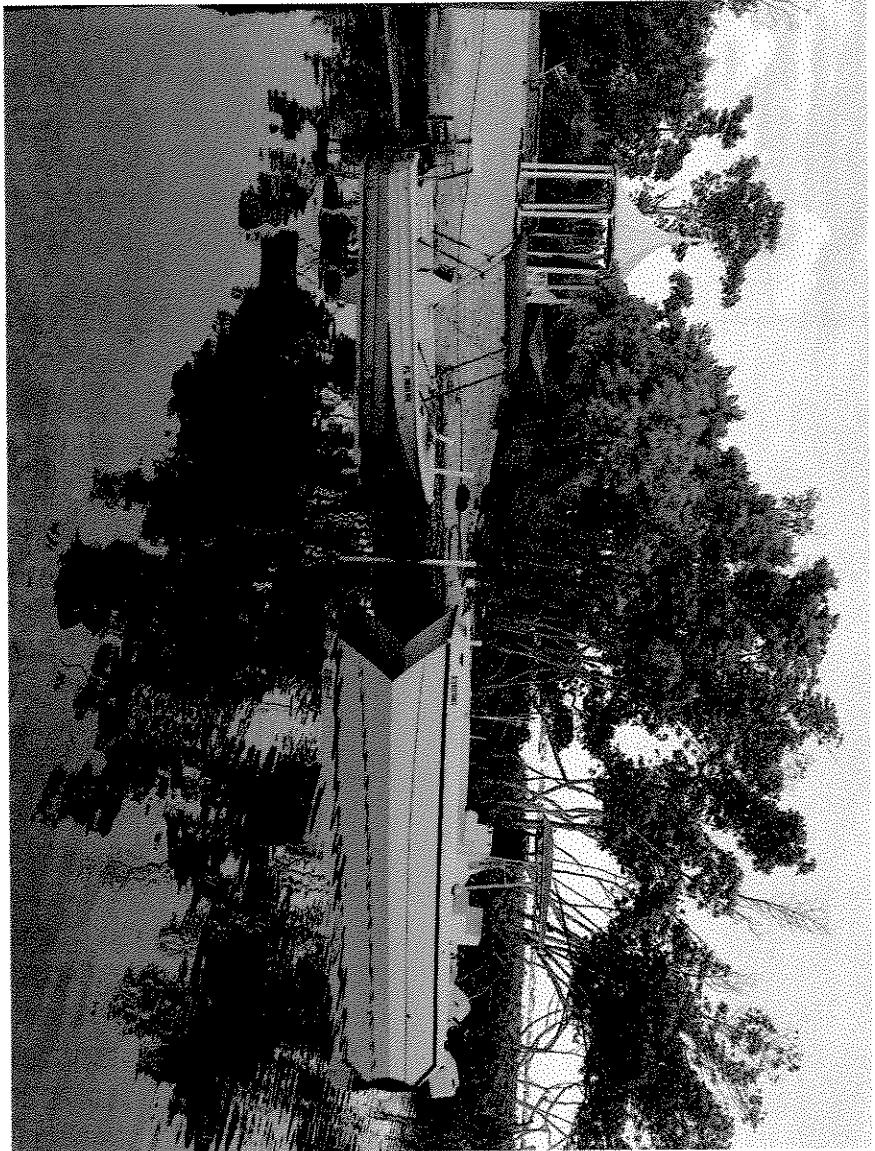
A



SPENCER FILL RESTRICTING BOATING ACCESS

Appellee's Exhibits

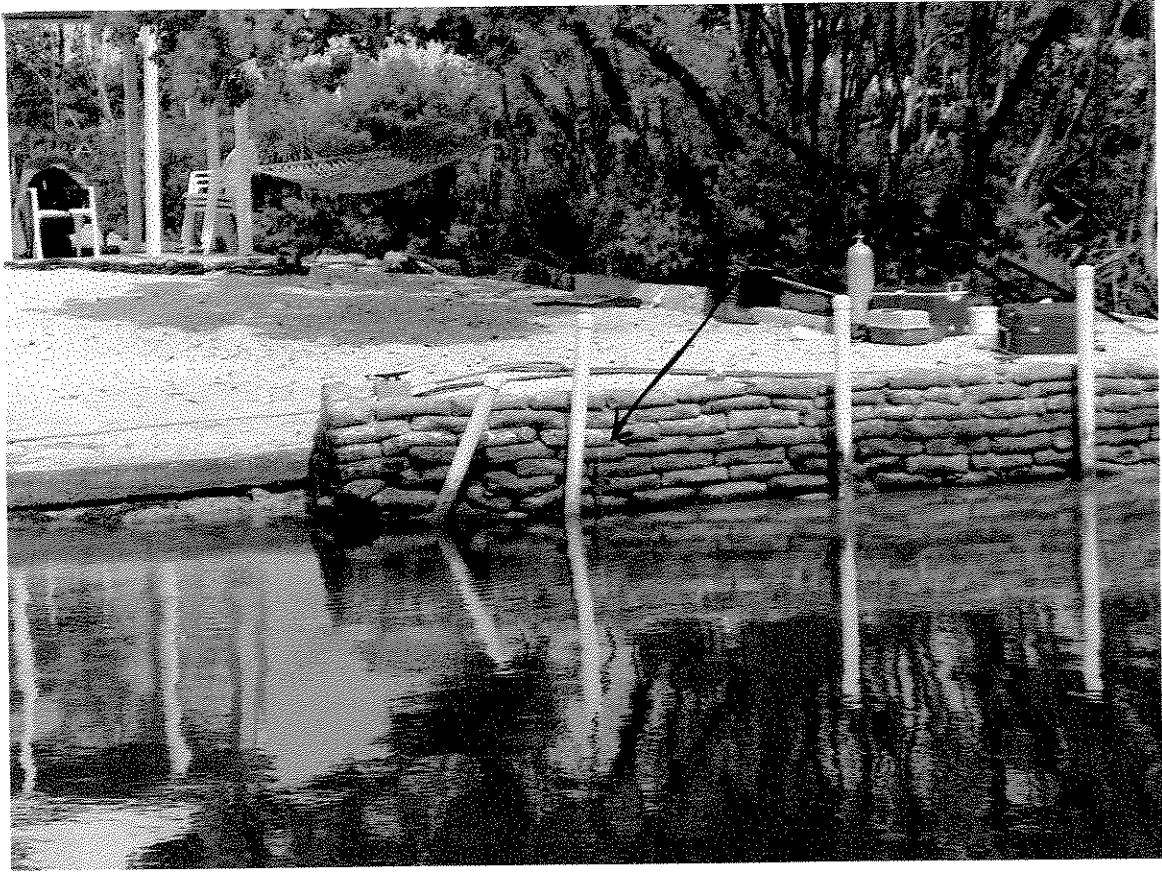
B



BOATS MOORED AT SPENCER PROPERTY

Appellee's Exhibits

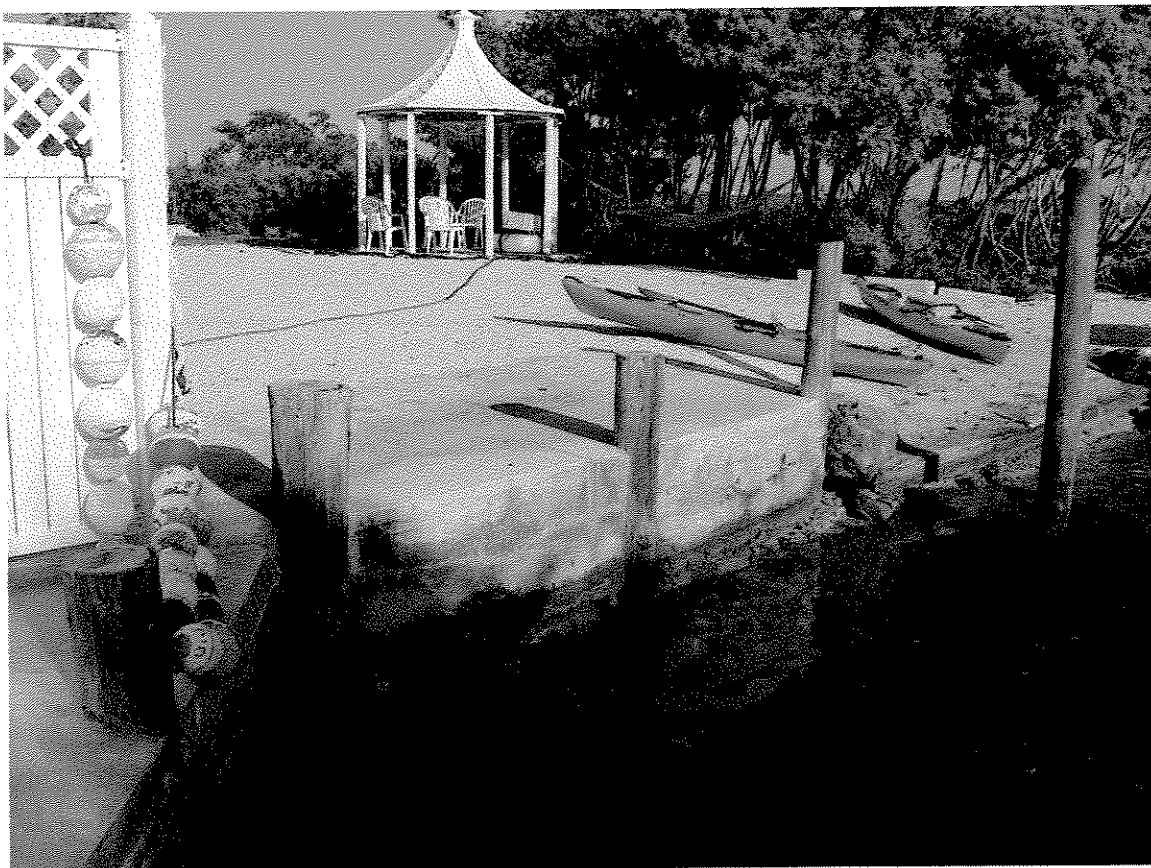
C



STAKE ON EAST SIDE OF BAY BOTTOM PER SURVEY

Appellee's Exhibits

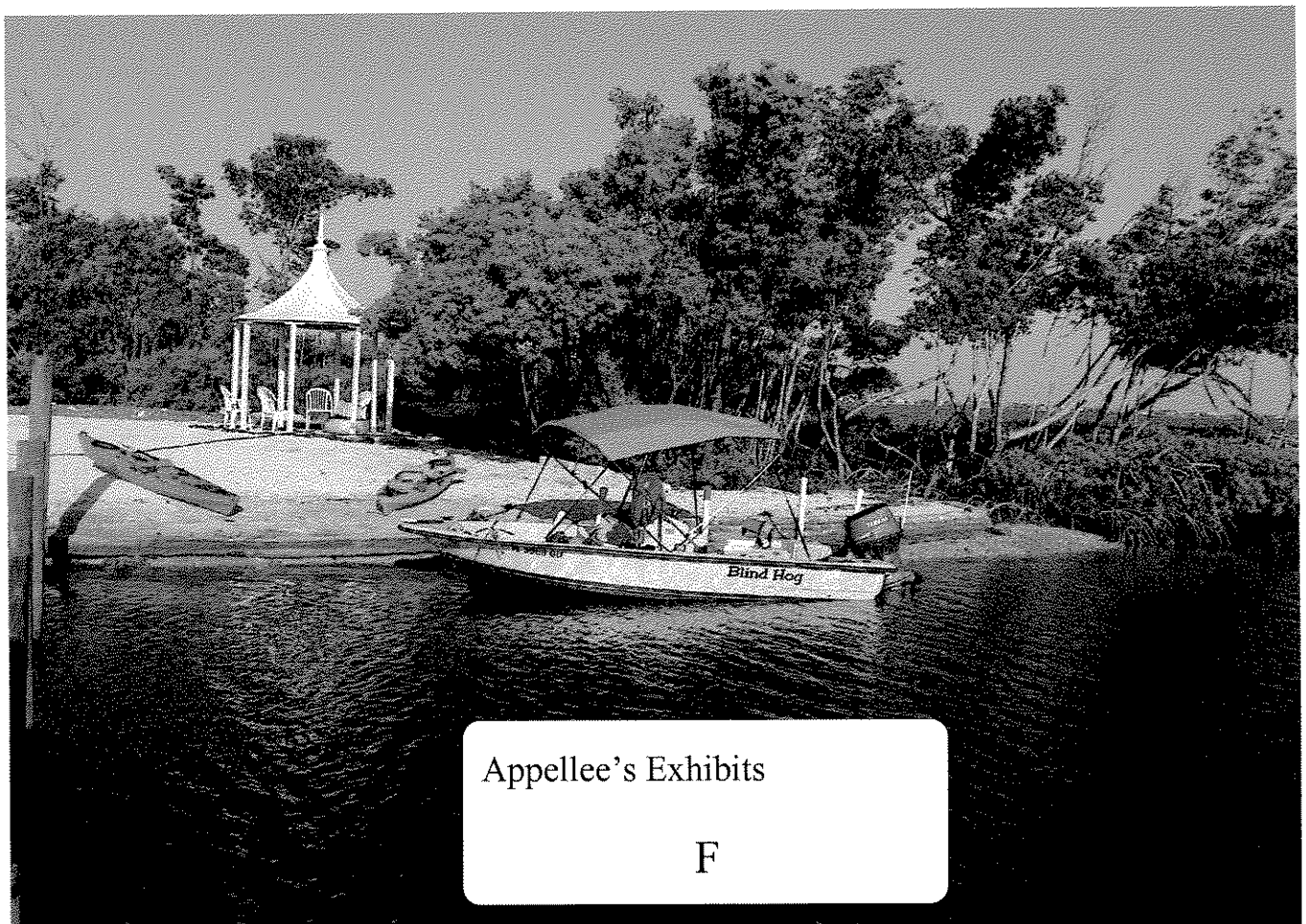
D



NO OBSTRUCTION TO WATER ACCESS

Appellee's Exhibits

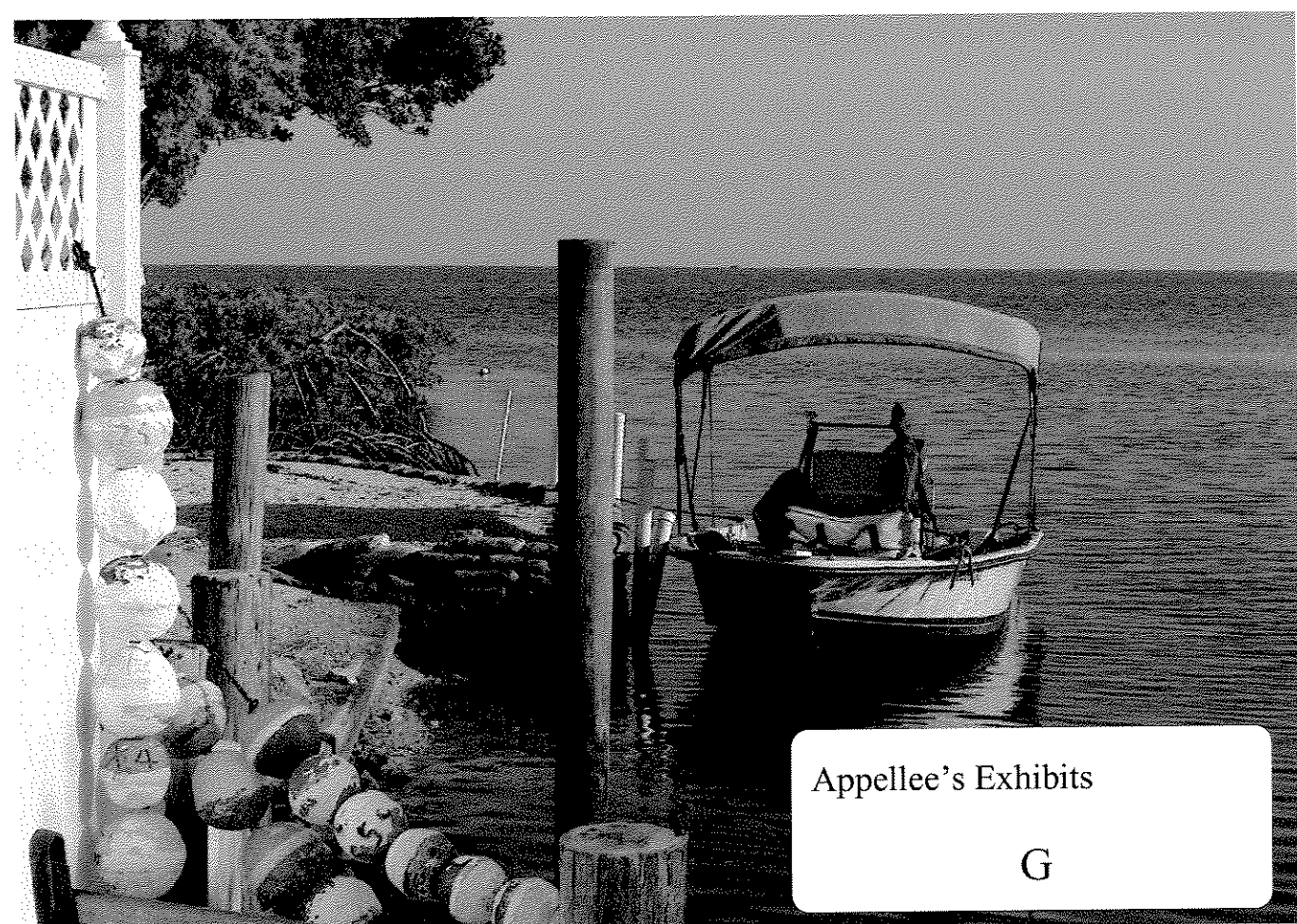
E



Appellee's Exhibits

F

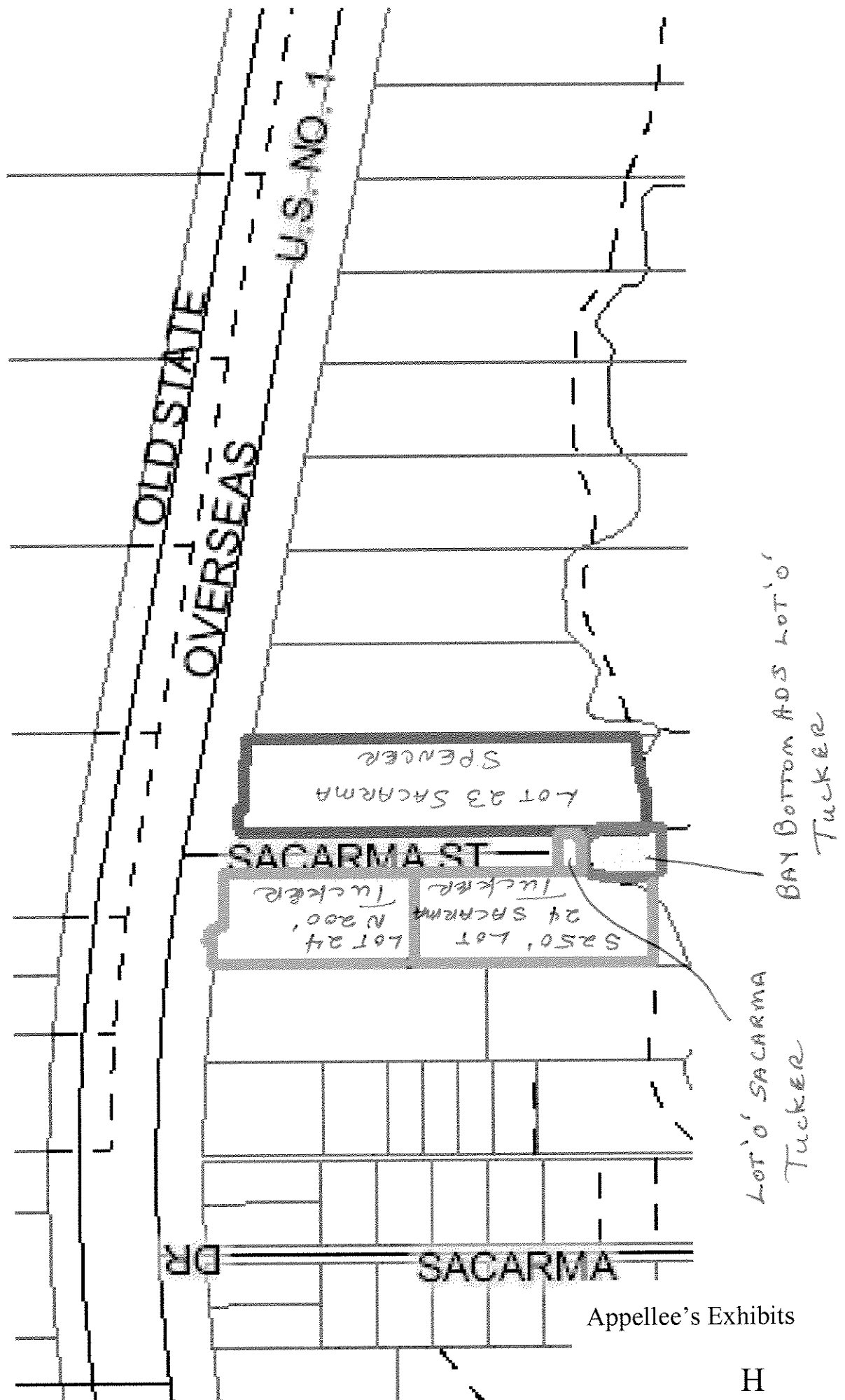
No Restriction to Boating Access



Appellee's Exhibits

G

No Restriction to Boating Access

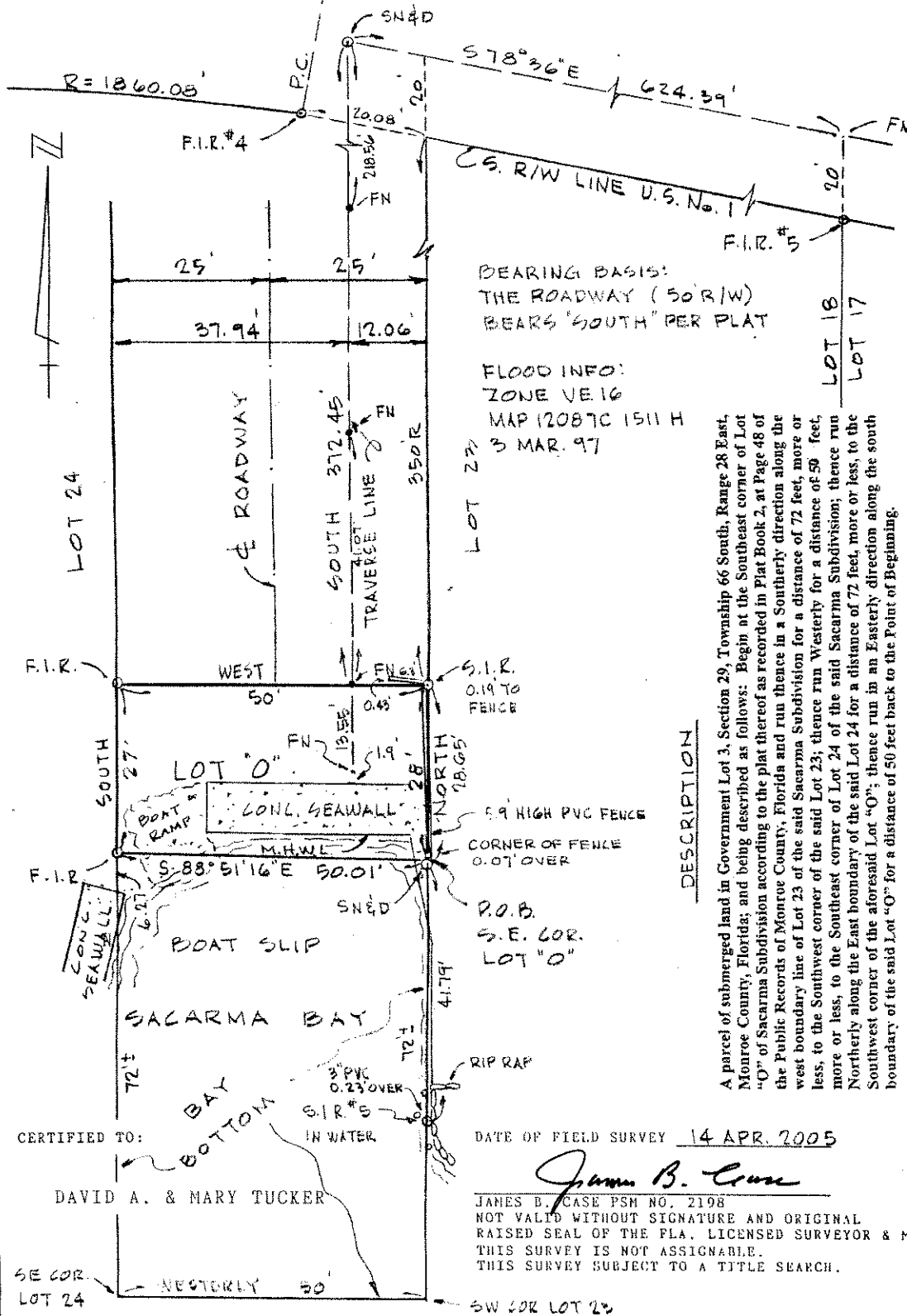


THE SURVEY DEPICTED HERE IS NOT COVERED BY PROFESSIONAL LIABILITY INSURANCE.

LEGEND:

ALL ANGLES ARE 90° UNLESS SHOWN OTHERWISE. ELEVATIONS ARE 1929 NATIONAL GEODETIC VERTICAL DATUM.

BN=BENCH MARK C.L.F.= CHAIN LINK FENCE, ENCRO = ENCROACHMENT F.I.P.= FOUND IRON PIPE.
F.I.R. = FOUND IRON ROD FN=FOUND NAIL SN=SET NAIL M.H.W.L.= APPROX. MEAN HIGH WATER
LINE, S.I.R.=SET IRON ROD #4 CAP #2198 SN&D=SET NAIL & DISC. #2198 R=RECORD M=MEASURED
R/W= RIGHT-OF-WAY



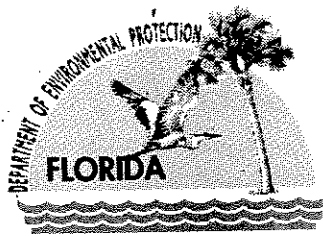
BOUNDARY SURVEY

FIELD: J.B.C.-B.E.
DR. BY: J.B.C.
CKED BY: J.B.C.-A.C.
REV.

MAIL Appellee's Exhibits

J.B. CASE
SURVEYOR AND MAPPER
953 FLAGSHIP DRIVE
, FLORIDA 33042
L. NO. (305) 745-2473

SCALE: 1"= 20'
P. A. NO: 2536
DWG. NO: A-3065



Department of Environmental Protection

Jeb Bush
Governor

South District, Marathon Branch Office
2796 Overseas Highway, Suite 221
Marathon, Florida 33050-4276
Telephone 305/289-2310

Colleen M. Castille
Secretary

June 15, 2006

Mrs. Mary Tucker
21544 Overseas Highway
Cudjoe Key, FL 33042

Re: Monroe County - ERP
File No. 44-0265836-001
Lt. 24, Sacarma Subdivision
Cudjoe Key

Dear Mrs. Tucker:

Thank you for your application to repair and relocate four (4) storm-damaged pilings in a privately-owned boat basin in Section 29, Township 66 South, Range 28 East, Monroe County. This type of activity may require authorization for construction and operation of the project (regulatory authorization), unless otherwise exempt by statute or rule, and an authorization to use state-owned submerged lands (proprietary authorization). Your request has been reviewed for both authorizations. The authorizations you have been granted are listed below. Please read each section carefully. Your project **MAY NOT** have qualified for both authorizations. If your project did not qualify for one or more of the authorizations, then that specific section will advise you how to obtain it. You may **NOT** commence your project without both authorizations. **If you change the project from what you submitted, the authorization(s) granted may no longer be valid at the time of commencement of the project. Please contact us prior to beginning your project if you wish to make any changes.**

REGULATORY REVIEW - APPROVED

Based on the information you sent to us, we have determined that **your project is exempt from the need for an Environmental Resource Permit (ERP)**. You must comply with the criteria and limiting conditions in accordance with Section 40E-4.051(3)(a), Florida Administrative Code.

PROPRIETARY REVIEW - NOT REQUIRED

The Department of Environmental Protection has reviewed the location of the proposed project as described in the above referenced application and has determined that the project, as described, does not involve the use of sovereign submerged lands. Accordingly, no further authorization will be

Appellee's Exhibits

required from the Submerged Lands and Environmental Resources Program, designated agent to the Board of Trustees of the Internal Improvement Trust Fund, pursuant to Chapter 253.77, F.S.

A copy of your notice also has been sent to the U.S. Army Corps of Engineers (USACOE) for review. The USACOE may require a separate permit. **Failure to obtain this authorization prior to construction could subject you to enforcement action by that agency.** For further information, you should contact the USACOE at (305) 526-7181.

This notice constitutes final agency action and is subject to the provisions of Chapter 120, F.S.

If you have any questions, please contact Jerry Buckley at the letterhead address, by telephone at (305) 289-2310, or by email at Jerry.Buckley@dep.state.fl.us. When referring to this project, please reference the file number listed above.

Sincerely,



Jerry Buckley
Environmental Specialist II
Submerged Lands and
Environmental Resource Program

Enclosures:

Rights of Affected Parties
Notice of Determination of Exemption

cc: U.S. Army Corps of Engineers, Miami

RIGHTS OF AFFECTED PARTIES

To: Mrs. Mary Tucker

Date: June 15, 2006

File No. 44-0265836-001

This letter acknowledges that the proposed activity is exempt from ERP permitting requirements under Section 40E-4.051(3)(a), Florida Administrative Code. This determination is final and effective on the date filed with the Clerk of the Department unless a sufficient petition for an administrative hearing is timely filed under Sections 120.569 and 120.57 of the Florida Statutes as provided below. If a sufficient petition for an administrative hearing is timely filed, this determination automatically becomes only proposed agency action subject to the result of the administrative review process. Therefore, on the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. The procedures for petitioning for a hearing are set forth in the attached notice.

This determination is based on the information you provided the Department and the Statutes and Rules in effect when the application was submitted and is effective only for the specific activity proposed. This determination shall automatically expire if site conditions materially change or the governing statutes or rules are amended. In addition, any substantial modifications in your plans should be submitted to the Department for review, as changes may result in a permit being required. In any event, this determination shall expire after one year.

Be advised that your neighbors and other parties who may be substantially affected by the proposed activity allowed under this determination of exemption have a right to request an administrative hearing on the Department's decision that the proposed activity qualifies for this exemption. Because the administrative hearing process is designed to re-determine final agency action on the application, the filing of a petition for an administrative hearing may result in a final determination that the proposed activity is not authorized under the exemption established under Section 40E-4.051(3)(a), Florida Administrative Code.

The Department will not publish notice of this determination. Publication of this notice by you is optional and is not required for you to proceed. However, in the event that an administrative hearing is held and the Department's determination is reversed, proceeding with the proposed activity before the time period for requesting an administrative hearing has expired would mean that the activity was conducted without the required permit.

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
NOTICE OF DETERMINATION OF EXEMPTION

The Department of Environmental Protection gives notice that the repair and relocation of four mooring piles in a privately-owned boat basin in Section 29, Township 66 South, Range 28 East, Monroe County has been determined to be exempt from requirements to obtain an Environmental Resource Permit.

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received by the clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Mediation is not available.

If a timely and sufficient petition for an administrative hearing is filed, other persons whose substantial interests will be affected by the outcome of the administrative process have the right to petition to intervene in the proceeding. Intervention will be permitted only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205 of the Florida Administrative Code.

In accordance with Rule 62-110.106(3), petitions for an administrative hearing must be filed within 21 days of publication of the notice or receipt of written notice, whichever occurs first. Under Rule 62-110.106(4) of the Florida Administrative Code, a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000 prior to the applicable deadline. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon. Upon motion by the requesting party showing that the failure to file a request for an extension of time before the deadline was the result of excusable neglect, the Department may also grant the requested extension of time.

The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition for an administrative hearing within the appropriate time period shall constitute a waiver of that right.

A petition that disputes the material acts on which the Department's action is based must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address and telephone number of the petitioner; the name, address and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific Rules or Statutes that the petitioner contends require reversal or modification of the agency's proposed action; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301.

Under Sections 120.569(2)(c) and (d) of the Florida Statutes, a petition for administrative hearing shall be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed.

Complete copies of all documents relating to this determination of exemption are available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, at Department of Environmental Protection, South District Branch Office, 2796 Overseas Highway, Suite 221, Marathon, Florida 33050.

(5) Any dredging or filling in, on or over surface waters of the state that is authorized by an individual or general permit issued under Chapters 40E-4 and 40E-40, F.A.C., as these chapters existed prior to October 3, 1995, but is not authorized by a permit or an exemption under Chapter 62-312, F.A.C., (1994) shall require an environmental resource permit prior to the dredging or filling. However, such dredging or filling shall be exempt from the requirements of paragraphs 40E-4.301(1)(a) through (e) and (g) through (k), F.A.C.

Specific Authority 373.044, 373.113, 373.406(5) FS. Law Implemented 373.103, 373.413, 373.416, 373.426 FS. History--New 9-3-81, Amended 12-1-82, Formerly 16K-4.03(1), 16K-4.07(1), 16K-4.09(1), Amended 1-23-94, 4-20-94, 10-3-95, 4-1-96, 1-7-97.

40E-4.0415 Permit Thresholds.

(1) A system which exceeds any one of the following threshold conditions must obtain an individual environmental resource permit:

- (a) The system serves a project of 100 acres or more; or
- (b) Construction or alteration of the system, including dredging or filling, is proposed in, on, or over a total of one acre or more of wetlands or other surface waters; however, calculation of the one acre area shall not include:
 - 1. Ditches and wholly owned ponds that were constructed in uplands;
 - 2. Any isolated wetlands with a surface area of less than 0.5 acres.
- (c) The system includes more than nine proposed boat slips.

(2) Any non-exempt system which does not qualify for a noticed or no-notice general environmental resource permit pursuant to Chapter 40E-400, F.A.C., and does not exceed the standard for individual permits listed above, shall obtain a standard general permit pursuant to Chapter 40E-40, F.A.C.

(3) Notwithstanding the provisions of subsections (1) and (2):

(a) The Governing Board has, in Rules 40E-41.023, 40E-41.123, 40E-41.223, and 40E-41.323, F.A.C., designated specific geographic areas in which additional surface water management criteria are necessary in order to ensure that construction, alteration, operation, maintenance, removal or abandonment of surface water management systems is not harmful to the water resources.

(b) Phases within a conceptually approved project shall be processed as standard general permits provided:

- 1. The proposed activity is consistent with the conceptual approval permit;
- 2. The approved conceptual plan includes the location and acreage of wetlands onsite, an assessment of wetland impacts, and a conceptual mitigation plan (if required); and
- 3. The approved conceptual plan includes the approximate size, location, and discharge points of the proposed stormwater management system.

Specific Authority 373.044, 373.113, 373.406(5) FS. Law Implemented 373.118(1), 373.413(1) FS. History--New 10-3-95, Amended 5-28-00, 6-26-02, 4-14-03.

40E-4.042 Formal Determination of Wetlands and Other Surface Waters.

(1) In accordance with subsection 373.421(2), F.S., a real property owner, an entity that has the power of eminent domain, or any other person who has a legal or equitable interest in real property may petition the District for a formal determination of the landward boundaries of wetlands and other surface waters on that property as defined in Chapter 62-340, F.A.C., and ratified by Section 373.4211, F.S.

(2) The Executive Director is delegated the authority of the Governing Board to take final action on petitions for formal wetland and other surface water determinations.

(3) The process and procedures for filing a petition for a formal determination of wetlands and other surface waters are set forth in Section 4.5 of the Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District – August 1995 and are incorporated by reference in this rule.

(4) A formal determination shall be binding for five years provided physical conditions on the property do not change so as to alter the boundaries of the wetlands or other surface waters during that period.

(5) In accordance with Section 373.421(4), F.S., a formal determination may be revoked upon a finding that the petitioner submitted inaccurate information to the District.

Specific Authority 373.043, 373.113, 373.421(2) FS. Law Implemented 373.421(2) FS. History--New 10-3-95.

40E-4.051 Exemptions From Permitting.

Exemptions from permitting under Chapters 40E-4, 40E-40 and 40E-400, F.A.C., are set forth below. The performance of activities pursuant to the provisions of the exemptions set forth in this section does not relieve the person or persons who are using the exemption or who are constructing or otherwise implementing the activity from meeting the permitting or performance requirements of other District rules. Nothing in this section shall prohibit the Department of Environment Protection from taking appropriate enforcement action pursuant to Chapter 403, F.S., to abate or prohibit any activity otherwise exempt from permitting pursuant to this section if the Department can demonstrate that the exempted activity has caused water pollution in violation of Chapter 403, F.S.

(1) Pipes or Culverts. The repair or replacement of existing functional pipes or culverts the purpose of which is the discharge or conveyance of stormwater. In all cases, the invert elevation, the diameter, and the length of the culvert shall not be changed. However, the material used for the culvert may be different from the original material. This exemption does not authorize the repair, replacement, or alteration of dam's spillways or appurtenant works, nor construction activities or procedures that cause violation of water quality standards as set forth in Chapter 62-302 and Rule 62-4.242, F.A.C.

(2) Maintenance of Systems.

(a) The performance of maintenance dredging of existing manmade canals, channels, basins, berths, and intake and discharge structures, where the spoil material is to be removed and deposited on a self-contained, upland spoil site which will prevent the escape of the spoil material and return water from the spoil site into wetlands or other surface waters, provided no more dredging is performed than is necessary to restore the canal, channels, basins, berths, and intake and discharge structures to original design specifications, and provided that control devices are used at the dredge site to prevent turbidity and toxic or deleterious substances from discharging into adjacent waters during maintenance dredging. This exemption shall apply to all canals constructed before April 3, 1970, and to those canals constructed on or after April 3, 1970, pursuant to all necessary state permits. This exemption shall not apply to the removal of a natural or manmade barrier separating a canal or canal system from adjacent wetlands or other surface waters. Where no previous permit has been issued by the Board of Trustees of the Internal Improvement Trust Fund, the Department, the District or the United States Army Corps of Engineers for construction or maintenance dredging of the existing manmade canal, channel, basin, berth or intake or discharge structure, such maintenance dredging shall be limited to a depth of no more than 5 feet below mean low water.

(b) The maintenance of functioning insect control structures, and the maintenance of functioning dikes and functioning irrigation and drainage ditches, including roadway drainage ditches, provided:

1. The spoil material is deposited on a self-contained upland spoil site which will prevent the escape of the spoil material and return water into wetlands or other surface waters.

2. In the case of insect control structures, if the cost of using a self-contained upland spoil site is so excessive as determined by the Department of Health, pursuant to subsection 403.088(1), F.S., that it will inhibit the proposed insect control, existing spoil sites or dikes may be used, upon notification to the District. In the case of insect control where upland spoil sites are not used pursuant to this exemption, turbidity control devices shall be used to confine the spoil material discharge to that area previously disturbed when the receiving body of water is used as a potable water supply, is designated as approved, conditionally approved, restricted or conditionally restricted waters for shellfish harvesting by the Department, or functions as a habitat for commercially or recreationally important shellfish or finfish.

3. In all cases, no more dredging is to be performed than is necessary to restore the dike or irrigation or drainage ditch to its original design specifications.

4. This exemption shall apply to manmade trenches dug for the purpose of draining water from the land or for transporting water for use on the land and which are not built for navigational purposes.

(c) Maintenance of minor silvicultural surface water management systems as described in subsection 40E-400.500(4), F.A.C., which were permitted under Part IV of Chapter 373, F.S., or were constructed prior to the requirements for a permit under this part, provided such maintenance is conducted in accordance with the performance standards set forth in subsection 40E-400.500(5), F.A.C.

(d) The restoration of less than 100 feet in length of existing insect control impoundment dikes and the connection of such impoundments to tidally influenced waters. Such impoundments shall be connected to tidally influenced waters for at least 6 months each year, beginning September 1 and ending February 28. The connection shall be of sufficient cross-sectional area to allow beneficial tidal influence. Restoration shall involve no more dredging than needed to restore the dike to original design specifications, and the final elevation of the dredge area shall be within two feet of immediately adjacent bottom elevations. For the purposes of this paragraph, restoration shall not include maintenance of impoundment dikes of insect control impoundments.

(3) Docking Facilities and Boat Ramps.

(a) The construction, replacement or repair of mooring pilings and dolphins associated with private docking facilities.

(b) The installation or repair of private docks, piers and recreational docking facilities, or piers and recreational docking facilities of local governmental entities when the local governmental entity's activities will not take place in any manatee habitat, and of which docks have 1000 square feet or less of surface area over wetlands or other surface waters, or 500 square feet or less of surface area over wetlands or other surface waters for docks which are located in Outstanding Florida Waters. This exemption shall include the construction and repair of structures above the dock area, such as boat shelters and gazebos, provided such structures are not enclosed with walls and doors, are not used for residential or commercial purposes, or storage of materials other than those associated with recreational use, and provided the structures do not exceed, together with the docking facility, the total area limitations, above. To qualify for this exemption, any such structure:

1. Shall be used for recreational, non-commercial activities;

2. Shall be constructed or held in place by pilings, including floating docks, so as not to involve filling or dredging other than necessary to install the pilings;

3. Shall not substantially impede the flow of water or create a navigational hazard; and

4. Shall be the sole dock constructed pursuant to this exemption as measured along the shoreline for a minimum distance of 65 feet, unless the parcel of land or individual lot as platted is less than 65 feet in length along the shoreline, in which case there may be one exempt dock allowed per parcel or lot. For the purposes of this paragraph, multi-family living complexes and other types of complexes or facilities associated with the proposed private dock shall be treated as one parcel of property regardless of the legal division of ownership or control of the associated property. Construction of a dock under this exemption does not require the District to issue a subsequent permit to construct a channel to provide navigational access to the dock. Activities associated with a dock shall include the construction of structures attached to the dock which are only suitable for the mooring or storage of boats (i.e., boatlifts).

(c) Construction of private docks in artificially created waterways where construction will not violate water quality standards, impede navigation, or adversely affect flood control.

(d) The replacement or repair of existing docks, mooring piles or piers, provided:

1. No fill material other than the piles is used;

2. The replaced or repaired dock or mooring pile is in the same location and of the same configuration and dimensions as the dock or mooring pile being replaced or repaired; and

3. The dock or mooring pile must be functional and able to provide access to boats moored at the dock or pile before this exemption may be used unless such dock or mooring pile has been rendered non-functional by a discrete event such as a storm, flood, accident, or fire.

(e) The construction and maintenance to design specifications of boat ramps on artificial bodies of water where navigational access to the proposed ramp exists, or the construction and maintenance to design specifications of boat ramps open to the public in any wetlands or other surface waters where navigational access to the proposed ramp exists and where the construction of the proposed ramp will be less than 30 feet wide and will involve the removal of less than 25 cubic yards of material from the wetlands or other surface waters, and the installation of docks with an area of 500 square feet or less over wetlands or other surface waters that are associated with and adjoining the boat ramps constructed pursuant to this exemption. All material removed shall be placed upon a self-contained upland site so as to prevent the escape of the spoil material and return water from the spoil site into the wetlands or other surface waters. For the purpose of this exemption, artificial bodies of water shall include residential canal systems, canals permitted by a District created under Section 373.069, F.S., and artificially created portions of the Florida Intracoastal Waterway.

(4) Shore Stabilization.

(a) Construction of seawalls or riprap, including only that backfilling needed to level the land behind seawalls or riprap, in artificially created waterways, where such construction will not violate existing water quality standards, impede navigation or adversely affect flood control. An artificially created waterway is defined as a body of water that has been totally dredged or excavated and which does not overlap natural wetlands or other surface waters. For the purpose of this exemption, artificially created waterways shall also include existing residential canal systems. This exemption does not apply to the construction of vertical seawalls in estuaries or lagoons unless the proposed construction is within an existing man-made canal where the shoreline is currently occupied in whole or in part by vertical seawalls.

(b) The restoration of a seawall or riprap at its previous location or upland of or within 18 inches waterward of its previous location, as measured from the face of the existing seawall slab to the face of restored seawall slab or from the front slope of the existing riprap to the front slope of the restored riprap. No filling can be performed except in the actual restoration of the seawall or riprap. No construction shall be undertaken without necessary title or leasehold interest, especially where private and public ownership boundaries have changed as a result of natural occurrences such as accretion, reliction and natural erosion. This exemption shall be limited to functioning seawalls or riprap. This exemption shall not affect the permitting requirements of Chapter 161, F.S.

(c) The construction of seawalls or riprap in wetlands or other surface waters, where such construction is between and adjoins at both ends existing seawalls or riprap, follows a continuous and uniform construction line with the existing seawalls or riprap, is no more than 150 feet in length, does not violate state water quality standards, impede navigation, or adversely affect flood control. However, this exemption shall not affect the permitting requirements of Chapter 161, F.S. In estuaries and lagoons, construction of vertical seawalls is limited to the circumstances and purposes stated in subsection 373.414(5)(b)1.-4., F.S.

(5) Transmission and Distribution Lines and Utility Poles.

(a) The installation of subaqueous transmission and distribution lines laid on, or embedded in, the bottoms of wetlands or other surface waters, except in Class I and Class II waters and aquatic preserves, provided that no dredging or filling is necessary.

(b) The replacement or repair of subaqueous transmission and distribution lines laid on, or embedded in, the bottoms of wetlands or other surface waters.

(c) Activities necessary to preserve, restore, repair, remove, or replace an existing communication or power pole or line, provided that the work does not involve dredge and fill activities other than the removal of the existing structure and the installation of the new structure, and, in the case of a power pole or line, the activity does not increase the voltage of existing power lines. An activity does not qualify to use this exemption if it results in relocation of an existing structure or facility more than 10 feet in any direction from its original location, or if it involves construction of new power or telephone lines or the repair and replacement of existing structures that require dredge and fill activities in order to provide access to the site.

macrophytes that are typically adapted to areas having soil conditions described above. These species, due to morphological, physiological or reproductive adaptation, have the ability to grow, reproduce, or persist in aquatic environments or anaerobic soil conditions. Florida wetlands generally include swamps, marshes, bayheads, bogs, cypress domes and strands, sloughs, wet prairies, riverine swamps and marshes, hydric seepage slopes, tidal marshes, mangrove swamps and other similar areas. Florida wetlands generally do not include longleaf or slash pine flatwoods with an understory dominated by saw palmetto. The landward extent of wetlands is delineated pursuant to Rules 62-340.100 through 62-340.550, F.A.C., as ratified by Section 373.4211, F.S.

(45) "Wetland Resource Permit" means a permit issued pursuant to Chapter 62-312, F.A.C., prior to October 3, 1995, or that is grandfathered pursuant to Sections 373.414(11)-(16), F.S.

(46) "Works" means all artificial structures, including but not limited to ditches, canals, conduits, channels, culverts, pipes, and other construction that connects to, draws water from, drains water into, or is placed in or across the waters in the state.

Specific Authority 373.044, 373.113, 668.003, 668.004, 668.50 FS. Law Implemented 373.019, 373.403-.443, 403.031, 668.003, 668.004, 668.50, 704.06 FS. History-New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-1.05(1), Amended 7-1-86, 4-20-94, 10-3-95, 4-1-96, 10-1-06.

40E-4.031 Implementation.

(1) The effective dates for the permit program developed pursuant to Part IV, Chapter 373, F.S., are:

(a) January 12, 1977, for the portion of the District formerly within the Ridge and Lower Gulf Coast Water Management District.

(b) March 2, 1974, for the remainder of the District.

(2) The rules implementing the Environmental Resource Permit program shall apply to all projects which do not have a complete permit application, as evidenced by a letter of completeness from the District on the effective date of the rule, unless the project is grandfathered pursuant to Section 373.414, F.S.

(3) Unless otherwise addressed by this rule, an application deemed complete prior to the effective date of a rule shall be governed by the rule in effect at the time the application became complete.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.403-.443 FS. History-New 9-3-81, Amended 4-20-94, 10-5-95.

40E-4.041 Permits Required.

(1) Unless expressly exempt by law or rule, it shall be unlawful for any person to construct, alter, operate, maintain, remove or abandon any stormwater management system, dam, impoundment, reservoir, appurtenant work or works, or any combination thereof, including dredging or filling without first having obtained an environmental resource permit from the District. This includes the maintenance and operation of existing agricultural surface water management systems and the construction of new agricultural surface water management systems.

(2) The District issues three types of environmental resource permits: conceptual approval permits; individual permits; and general permits.

(a) Conceptual approval permits are issued in individual form only. A conceptual approval may be issued for projects that are to be developed in phases. A conceptual approval does not authorize any construction, alteration, operation, maintenance, removal or abandonment of a surface water management system.

(b) An individual permit shall be issued pursuant to Chapter 40E-4, F.A.C., for projects that do not qualify for general permits based on the threshold conditions set forth in Chapters 40E-40 and 40E-400, F.A.C.

(c) General permits are issued in three forms: no notice, noticed and standard general environmental resource permits. General permits are ~~issued~~ for specified activities or projects that satisfy the thresholds and conditions of Chapters 40E-40 and 40E-400, F.A.C. Standard general permits are issued pursuant to Chapter 40E-40, F.A.C. No notice and noticed general permits are issued pursuant to Chapter 40E-400, F.A.C.

1. If the District notifies an applicant that the system for which a noticed general permit is sought does not qualify for the noticed general permit, the applicant may apply for a standard general or individual permit.

2. The application fee for the noticed general permit shall be applied to the application fee for a standard general or individual permit if the applicant applies for such a permit within 60 days of notification by the District.

(3) For environmental resource permit applications and permit applications under subsections 373.414(11)-(16), F.S., which involve activities located on submerged lands owned by the Board of Trustees of the Internal Improvement Trust Fund under Chapter 253 or 258, F.S., the District shall conduct concurrent application review procedures in accordance with Section 373.427, F.S., Chapter 18-21, F.A.C., and Rules 62-343.075 and 18-18.014, F.A.C.

(4) The District issues two types of mitigation bank environmental resource permits: conceptual approvals and individual permits, pursuant to Section 4.4 of the Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District - November 1996. A conceptual approval does not authorize the establishment or operation of the mitigation bank. A mitigation bank individual permit authorizes the establishment and operation of a mitigation bank and constitutes authorization pursuant to Chapters 40E-4, 40E-40, or 40E-400, F.A.C., as applicable, to construct any surface water management system proposed as part of the mitigation bank.

(18) "Endangered species" means those animal species which are listed as endangered in Rule 68A-27.003, F.A.C., and those plant species which are listed in 50 Code of Federal Regulations 17.12, when such plants are found to be located in a wetland or other surface water.

(19) "Entrenchment" means the placement of transmission or distribution lines, pipes or cables into the bottoms of waters of the State by the creation of a defined trench, or trough, through the use of such devices as clamshells, dredges, trenching jets, or other devices which produce similar results.

(20) "Environmental resource permit" means a conceptual approval, individual or general permit for a surface water management system issued pursuant to Part IV, Chapter 373, F.S. Environmental resource permit also means a conceptual or individual permit for the establishment and operation of a mitigation bank.

(21) "Estuary" means a semi-enclosed, naturally existing coastal body of water which has a free connection with the open sea and within which seawater is measurably diluted with fresh water derived from riverine systems.

(22) "Filling" means the deposition, by any means, of materials in surface waters or wetlands, as delineated by Section 373.4211, F.S.

(23) "General Permit" means a no notice, noticed or standard general environmental resource permit issued by District staff. However, staff recommendations for denial of noticed or standard general permit applications shall be considered by the Governing Board.

(24) "Impoundment" means any lake, reservoir, pond, or other containment of surface water occupying a bed or depression in the earth's surface and having a discernible shoreline.

(25) "Incidental site activities" means those certain site activities in uplands which may be conducted in conjunction with the work proposed in an environmental resource permit application such as: land clearing in uplands; minimal earthwork, lake construction; road subgrade construction; foundation construction; utility installation; fence installation; construction trailer installation; unconnected drainage facility construction; or other similar activities.

(26) "Individual Permit" means an environmental resource permit issued by the District Governing Board.

(27) "Isolated Wetland" means any wetland without a direct hydrologic connection to a lake, stream, estuary, or marine water.

(28) "Lagoon" means a naturally existing coastal zone depression which is below mean high water and which has permanent or ephemeral communications with the sea, but which is protected from the sea by some type of naturally existing barrier.

(29) "Listed Species" means those animal species which are endangered, threatened or of special concern and are listed in Rules 68A-27.003, 68A-27.004 and 68A-27.005, F.A.C., and those plant species listed in 50 Code of Federal Regulations 17.12.

(30) "Maintenance" or "Repairs" means remedial work of a nature as may affect the safety of any dam, impoundment, reservoir, or appurtenant work or works, but excludes routine custodial maintenance.

(31) "Operation Permit" means a permit issued by the District authorizing the operation and maintenance of a surface water management system in accordance with the terms and conditions of the permit.

(32) "Other Surface Waters" means surface waters as described and delineated pursuant to Rule 62-340.600, F.A.C., as ratified by Section 373.4211, F.S., other than wetlands.

(33) "Posting" means placing notice on the District's website or on one of the District's official posting bulletin boards.

(34) "Riprap" means a sustaining wall made to reduce the force of waves and to protect the shore from erosion and consists of unconsolidated boulders, rocks, or clean concrete rubble with no exposed reinforcing rods or similar protrusions.

(35) "Species of Special Concern" means those animal species listed in Rule 68A-27.005, F.A.C.

(36) "State Water Quality Standards" means water quality standards adopted pursuant to Chapter 403, F.S.

(37) "Stormwater Management System" means a system which is designed and constructed or implemented to control discharges which are necessitated by rainfall events, incorporating methods to collect, convey, store, absorb, inhibit, treat, use or reuse water to prevent or reduce flooding, over drainage, environmental degradation, and water pollution or otherwise affect the quantity and quality of discharges from the system.

(38) "Surface Water Management Permit" means a permit issued pursuant to Chapter 40E-4 or 40E-40, F.A.C., prior to October 3, 1995, or that is grandfathered pursuant to Sections 373.414(11)-(16), F.S.

(39) "Surface Water Management System" or "System" means a stormwater management system, dam, impoundment, reservoir, appurtenant work or works, or any combination thereof. The terms "surface water management system" or "system" includes areas of dredging or filling as defined by Section 373.403(13) and (14), F.S., respectively.

(40) "Threatened Species" means those animal species listed in Rule 68A-27.004, F.A.C., and those plant species which are listed as threatened in 50 Code of Federal Regulations 17.12.

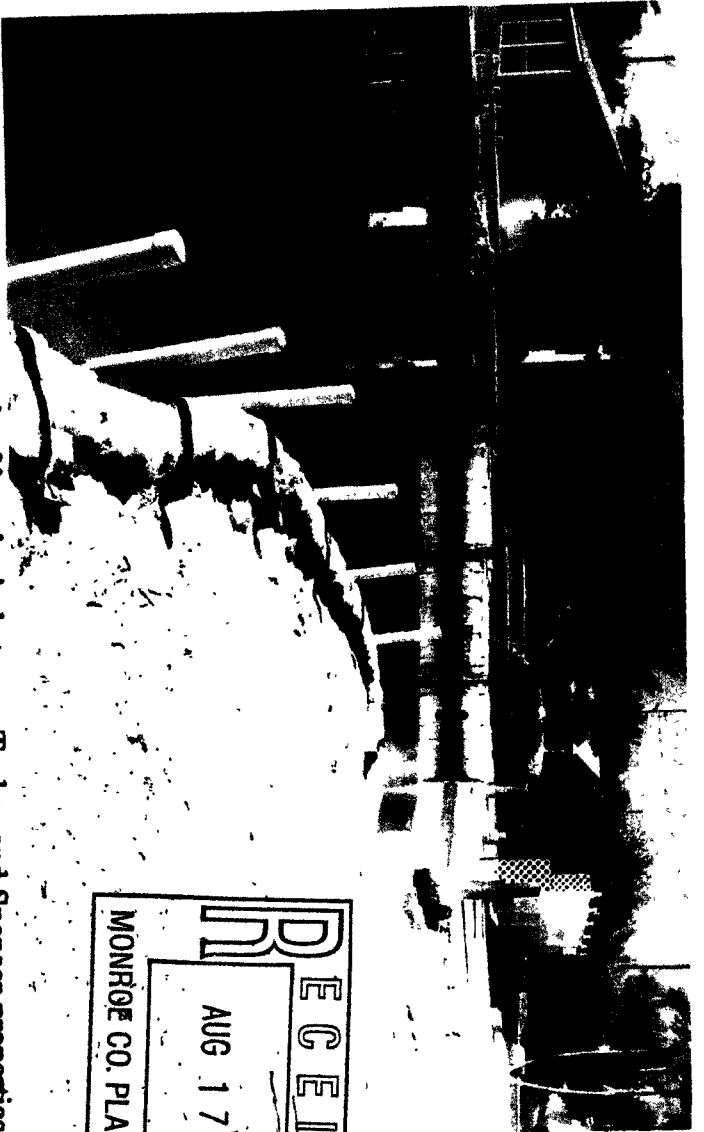
(41) "Total Land Area" means land holdings under common ownership which are contiguous or land holdings which are served by common surface water management facilities.

(42) "Vertical Seawall" is a seawall the waterward face of which is at a slope greater than 75 degrees to the horizontal. A seawall with sloping riprap covering the waterward face to the mean high water line shall not be considered a vertical seawall.

(43) "Watershed" means the land area which contributes to the flow of water into a receiving body of water.

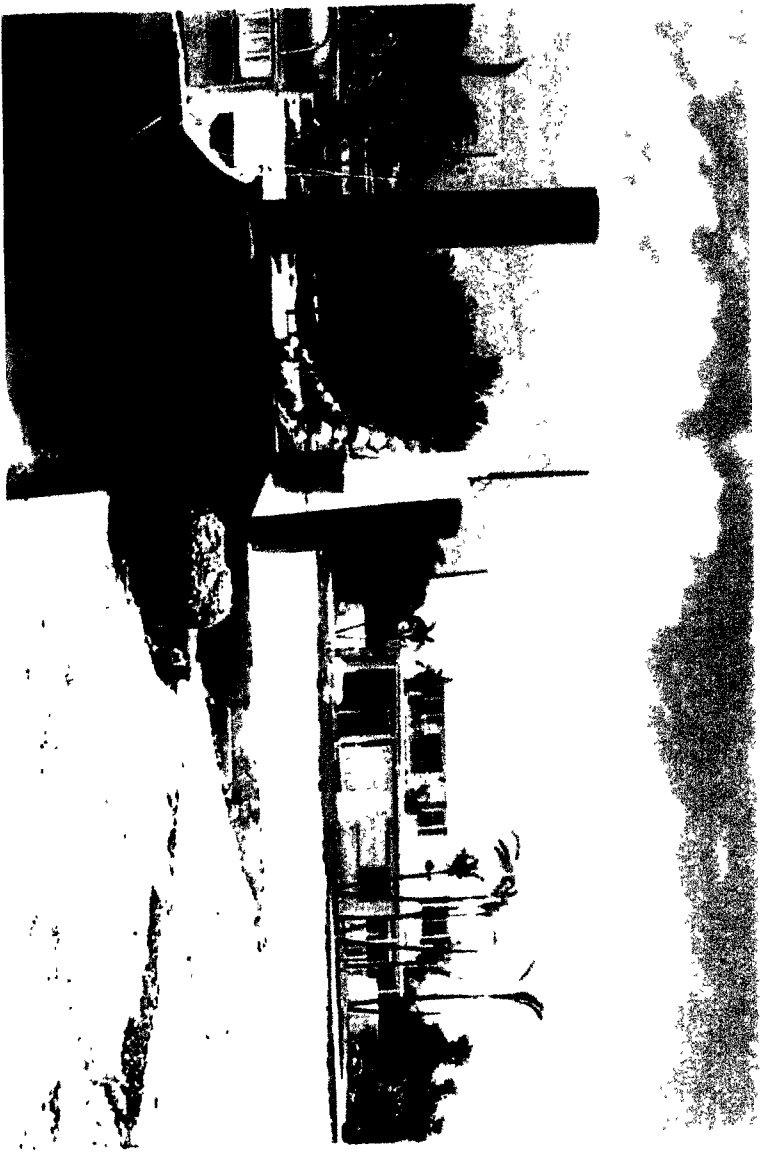
(44) "Wetlands" means those areas that are inundated or saturated by surface water or ground water at a frequency and a duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soils. Soils present in wetlands generally are classified as hydric or alluvial, or possess characteristics that are associated with reducing soil conditions. The prevalent vegetation in wetlands generally consists of facultative or obligate hydrophytic

ATTACHI



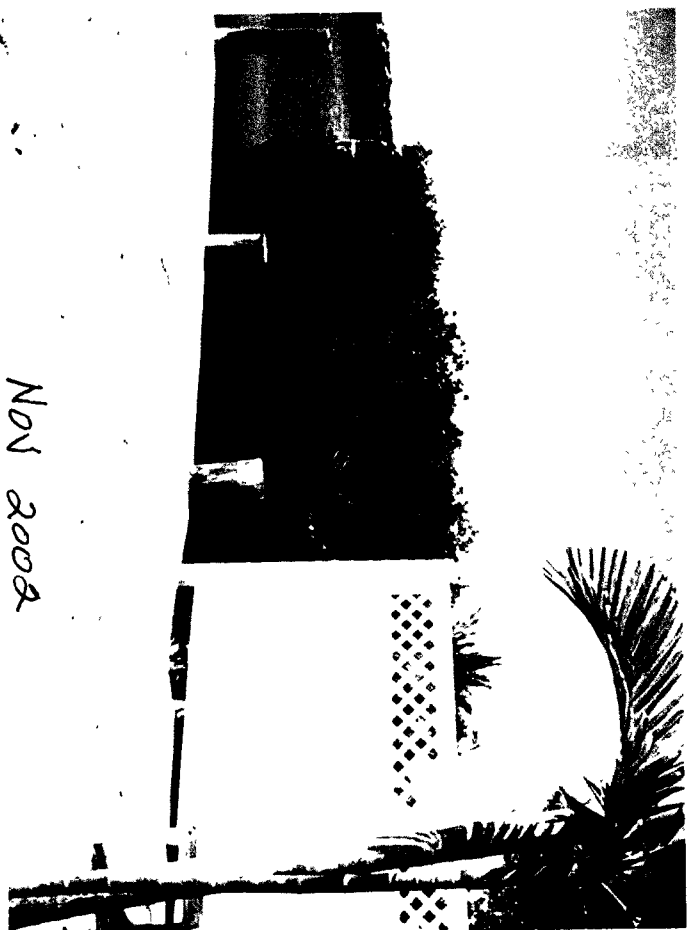
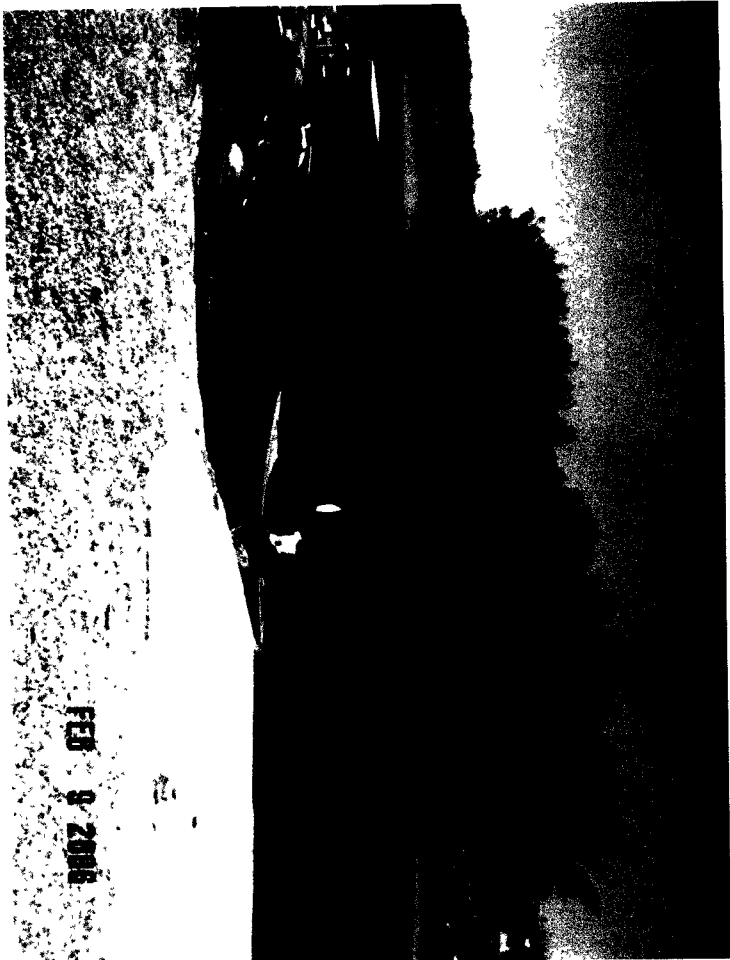
RECEIVED
AUG 17 2006
MONROE CO. PLANNING DEPT.

October 25, 2004 photograph of boat basin between Tucker and Spencer properties taken by SWC staff. No pilings exist out in basin itself.



Pre Hurricane Wilma Pictures
Spencer Appeal

RECEIVED	
	AUG 17 2006
MONROE CO. PLANNING DEPT.	





SEP 11 2005

MONITOR

new Tucker piling
under 3 ft from
Spencer dock &
seawall

new Tucker
piling

new Tucker
piling
new Tucker
piling

existing Spencer
piling embedded
in seawall

SPENCER SEAWALL

RECEIVED

AUG 17 2006

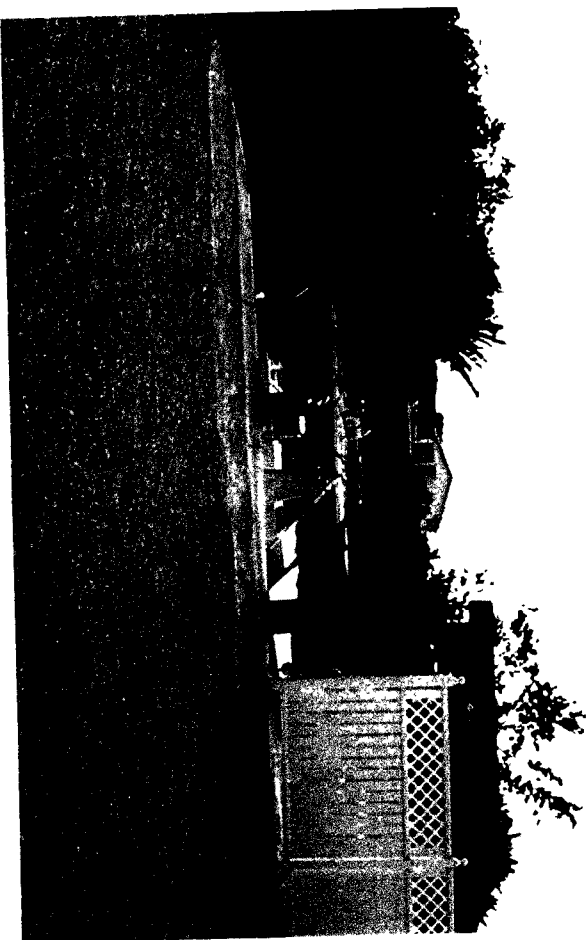
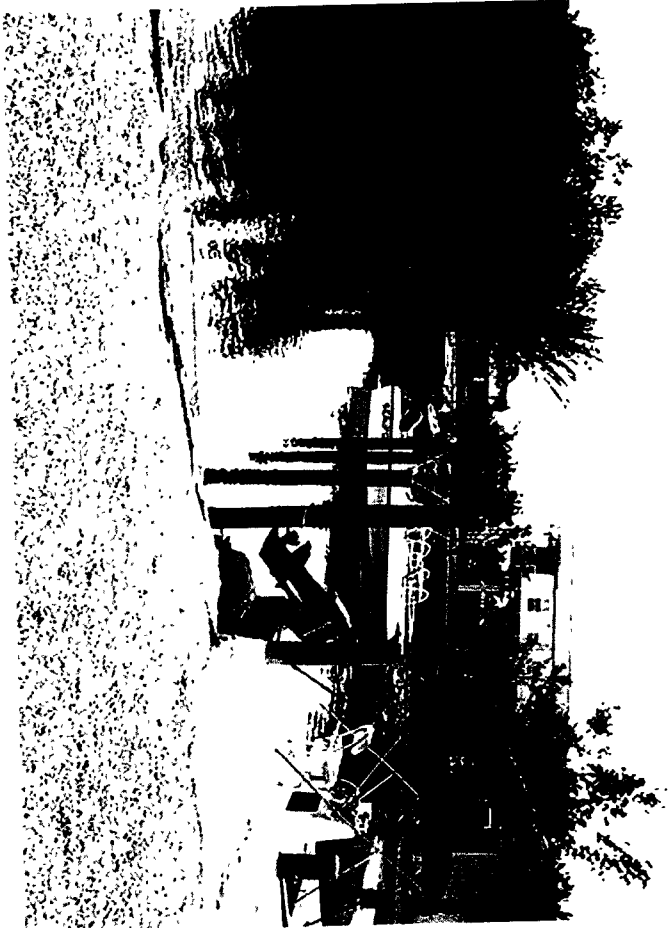
MONROE CO. PLANNING DEPT.

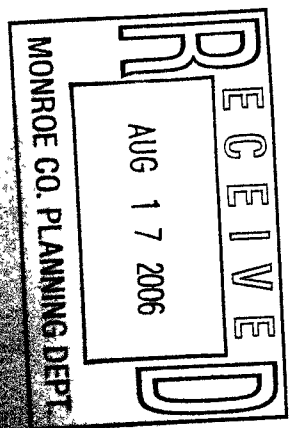
After Dredging and Installation of New Pilings May 2006

RECEIVED

AUG 17 2006

MONROE CO. PLANNING DEPT.





Petrick-Nicole

From: Lee Robert Rohe [LRRLAW@BELLSOUTH.NET]
Sent: Thursday, August 10, 2006 11:44 AM
To: Petrick-Nicole
Cc: Linda Spencer
Subject: Fw: authorization
Importance: High

Nicole,

See authorization from Linda Spencer. Thank you.

Lee R. Rohe

----- Original Message -----

From: Linda Spencer
To: lrllaw@bellsouth.net
Sent: Thursday, August 10, 2006 11:24 AM
Subject: authorization

Hi Lee - this email authorizes you as my attorney for the Tucker building appeal. thanks Linda Spencer

8/11/2006

061-0334

DEPARTMENT OF THE ARMY GENERAL PERMIT VERIFICATION

Date 15 Jan 2006

Dear Applicant:

Your application for a Department of the Army (DA) permit has been assigned number DA-2006-4114. The proposed work is identified in our database as Install 4 mooring Piling at 21544 Overseas Hwy, Ft. George, FL 33442

A review of the information and drawings provided indicates that your project is authorized by General Permit (GP) number 17. This authorization is valid until 1 May 2007, or as otherwise noted at our web site. Please access http://www.saj.usace.army.mil/permit/permitting/general_permits.htm for additional information regarding the U.S. Army Corps of Engineers' (Corps) General Permit program. The internet address shown is case sensitive and must be entered exactly as shown.

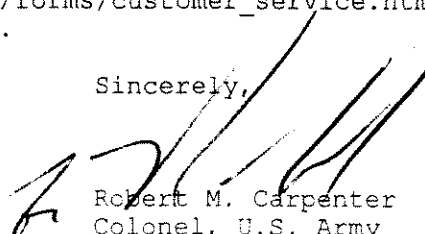
In order to comply with the terms and conditions of the GP authorization you are required to access the noted web page to view the conditions associated with the use of this verification. If you are unable to access the internet site provided, you must notify the assigned project manager, Rick M. Hays, by telephone at 305-275-3528 to obtain a copy of any conditions, limitations, or expiration date information for the authorization provided by this correspondence.

A separate DA permit is not required providing the work is done in accordance with the drawings and information as provided in your request, received by the Corps on Jan 15 2006, and the terms and conditions listed at the website address identified above. If you do not complete construction of your project within the approved time limit, a separate application or re-verification will be required.

This verification includes an approved jurisdictional determination (JD). You may accept or appeal the approved JD, or provide new information. If you disagree with the approved JD, you may appeal it under the Corps' Administrative Appeal Process by following the procedures provided at the web site noted above.

Thank you for your cooperation with our permit program. The Corps Jacksonville District Regulatory Division is committed to improving service to our customers. We strive to perform our duty in a friendly and timely manner while working to preserve our environment. We invite you to take a few minutes to visit the following link and complete our automated Customer Service Survey: http://www.saj.usace.army.mil/permit/forms/customer_service.htm. Your input is appreciated - favorable or otherwise.

Sincerely,


Robert M. Carpenter
Colonel, U.S. Army
District Engineer

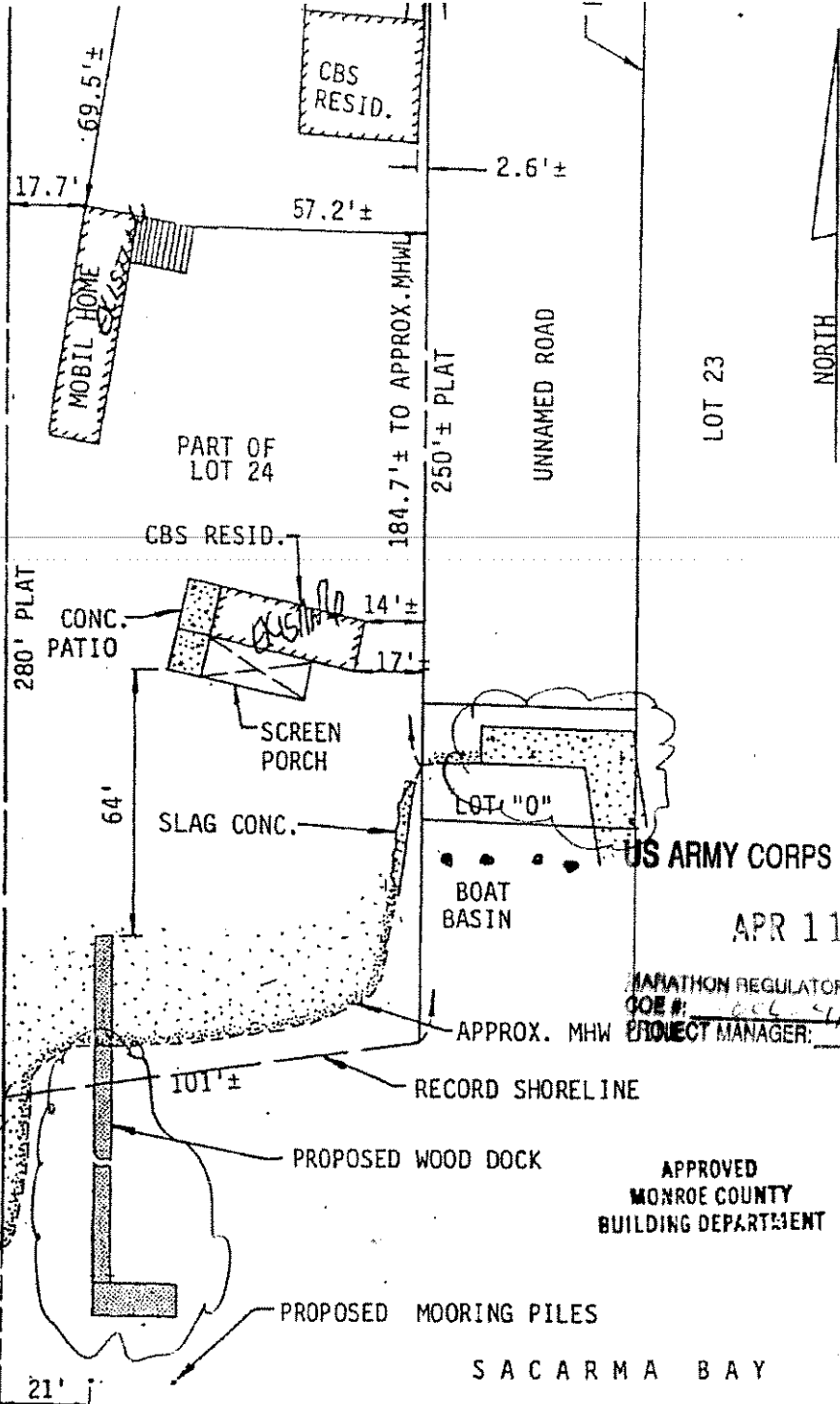
NOTE: In Florida, projects qualifying for this GP must be authorized under Part IV of Chapter 373 by the Department of Environmental Protection, a water management district under s. 373.069, F.S., or a local government with delegated authority under s. 373.441, F.S., and receive Water Quality Certification (WQC) and Coastal Zone Consistency Concurrence (CZCC) or waiver thereto, as well as any authorizations required for the use of sovereignty submerged lands that must be obtained as part of the associated WQC or CZCC.

NOTE: This delineation/determination has been conducted to identify the limits of the Corps Clean Water Act jurisdiction for the particular site identified in this request. This delineation/determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985, as amended. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service prior to starting work.

Edition Date: 19 November 2005

BUILDING APPROVED
SUBJECT TO FLORIDA BUILDING CODE

HK 1/23/06



U. DISI: SR PAGE 450

PLAN AREA: LY BY MD DATE 5/8/95

PLANNING REQUIREMENTS app

BY M. T. Tegan DATE 5/9/95

US ARMY CORPS OF ENGINEER

APR 11 2006

MARATHON REGULATORY OFFICE

COE #: 666-5119

PROJECT MANAGER: [Signature]

APPROVED
MONROE COUNTY
BUILDING DEPARTMENT

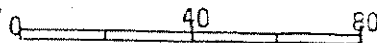
SACARMA BAY

APPLICANT:
MARY TUCKER

PROJECT:
PILE-SUPPORTED DOCK

SITE PLAN

SHEET 2 OF 4
SCALE: 1"=40'
SCALE IN FEET



AGENT:

GLEN BOE & ASSOCIATES, INC.
P.O. BOX 523406
MARATHON SHORES, FL 33052-3406
(305) 743-9121

**End of Additional Information File
#26049**



MONROE COUNTY PLANNING DEPARTMENT
APPLICATION FOR ADMINISTRATIVE APPEAL
TO PLANNING COMMISSION

Please note that the evidence and record which forms the basis for the appeal must be submitted with this application.

If new evidence or the basis for appeal is submitted at the Planning Commission hearing, the Planning Staff will request that the hearing be continued to the next Planning Commission meeting in the area (six weeks) so that the staff has the opportunity to prepare a response to the new evidence.

If the applicant does not submit the basis for the appeal with the application, the Planning Staff will recommend denial of the appeal.

PLEASE COMPLETE ALL OF THE FOLLOWING INFORMATION:

- 1) DECISION BEING APPEALED: Monroe County Building Permit No. 061-334
- 2) DATE OF DECISION BEING APPEALED: May 2, 2006
- 3) APPELLANT:

Name: Linda Spencer

Address: 1107 Key Plaza #269

City/State/Zip: Key West, FL 33040

Phone Number: (Home) 413-665-7373 cell (Work) (Fax)

Mrs. Spencer is the owner of Lot 23, Sacarma Subdivision, directly adjacent to the subject property, RE # 1226947. She is directly affected by the building permit issued, as explained in the attached letter dated June 5, 2006.

- 4) AGENT (If Applicable):
Name: Sandra Walters Consultants, Inc. (dba SWC)
Address: 6410 Fifth Street, Suite 3
City/State/Zip: Key West, FL 33040

Phone Number:(Home) _____ (Work) 305-294-1238 (Fax) 305-294-2164

APPLICANT MUST SUBMIT A NOTARIZED LETTER AUTHORIZING THE AGENT TO ACT ON HIS BEHALF AND STATING THE AGENT'S NAME, ADDRESS, PHONE AND FAX NUMBER.

See attached letter dated June 1, 2006.

- 5) OWNER: (of property which is the subject of the appeal)

Name: David & Mary Tucker

Address: 21544 Overseas Highway

City/State/Zip: Cudjoe Key, FL 33042

Phone Number: (Home) 305-745-2543 (Work) _____ (Fax) _____

- 6) LEGAL DESCRIPTION OF PROPERTY: Lot: 24 Block: _____

Subdivision: Sacarma

If in metes and bounds, attach legal description on separate sheet. Also,

KEY: Cudjoe MM: _____

- 7) A) LAND USE DESIGNATION: Suburban Residential (SR)

B) REAL ESTATE NUMBER(S): 00174890

- 8) **A COPY OF THE BASIS FOR THE APPEAL IN THE NATURE OF AN INITIAL BRIEF AND ANY EVIDENCE INCLUDING TESTIMONY, AFFIDAVITS AND THE CURRICULUM VITAE OF ANY EXPERT WITNESS THAT WILL BE CALLED MUST BE ATTACHED TO THIS APPLICATION The brief must at a minimum state all grounds for the appeal, including, but not limited to, the law being appealed and any facts necessary interpretation of those laws. (Attach additional sheets of paper if necessary.)**

- 9) NAMES AND ADDRESSES OF ALL EXPERT WITNESSES THAT YOU PROPOSE TO CALL AT THE HEARING:

- 10) Are there any pending codes violations on the property? Yes _____ No _____

If yes, please explain: _____

- 11) A copy of the document(s), which comprise the administrative decision being appealed.

See attached.

- 12) TYPED NAME AND ADDRESS **MAILING LABELS** of all adjacent landowners must accompany this application. Also, please provide the listing of the names, subdivision name, lot and block # and the RE #'s for each address and note those that are adjacent to the property. (Adjacent landowner means an owner of land sharing a boundary with another parcel of land. An intervening road, right-of-way, easement or canal does not destroy the adjacency of the two parcels.)

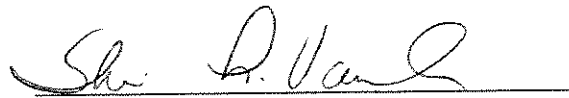
~~To follow under separate cover.~~ See Attached. SW

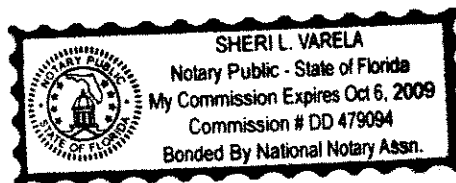
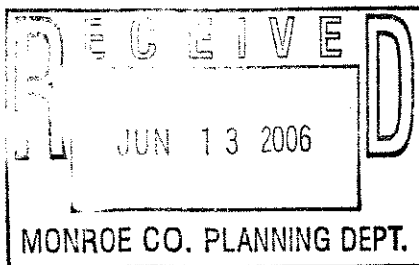
I certify that I am familiar with the information contained in this application, and that to the best of my knowledge such information is true, complete and accurate.


Signature of Applicant or Agent

6-13-06
Date

Sworn before me this 13th day of June, 20 06 A.D.


Notary Public
My Commission Expires



THE FOLLOWING INFORMATION MAY BE REQUIRED WITH YOUR APPLICATION:

Note: If supporting data such as blueprints or surveys are larger than 8 ½ x 14 inches, the applicant shall submit sixteen (16) copies of each.

- 16 Photographs of the subject property.
- Survey or site plan showing all proposed structures or subjects of this appeal.

APPEALS FROM ADMINISTRATIVE ACTIONS MUST BE FILED WITH THE COUNTY ADMINISTRATOR AND WITH THE PLANNING COORDINATOR WITHIN 30 WORKING DAYS OF THE DATE OF THE DECISION.

THE FOLLOWING NON-REFUNDABLE FEES **MUST** ACCOMPANY ALL APPEAL APPLICATIONS:

- a) \$950.00 Appeal Application Fee
- b) \$3.00 Notification fee per adjacent property owner.
- c) \$245.00 per Newspaper advertisement. (X 3 newspapers).

Your check should be made payable to: "Monroe County Planning Department" and submitted with your application to:

**MONROE COUNTY PLANNING DEPARTMENT
Attn: Planning Commission Coordinator
2798 Overseas Highway, Suite 410
Marathon, FL 33050-2227**

AND

**A copy of the application to:
Tom Willi, Monroe County Administrator
The Gato Building
1100 Simonton Street, Key West, FL 33040**

PURSUANT TO SECTION 286.0105, FLORIDA STATUTES, NOTICE IS GIVEN THAT IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE PLANNING COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH HEARING OR MEETING, THAT PERSON WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT, FOR SUCH PURPOSE THAT PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. SUCH RECORD TO BE AT THE COST OF THE APPELLANT. ALSO, MONROE COUNTY RESOLUTION #131-1992 REQUIRES THAT "IF A PERSON DECIDES TO APPEAL ANY DECISION OF THE PLANNING COMMISSION, HE SHALL PROVIDE A TRANSCRIPT OF THE HEARING BEFORE THE PLANNING COMMISSION, PREPARED BY A COURT REPORTER AT THE APPLICANT'S EXPENSE, WHICH TRANSCRIPT SHALL BE FILED AS PART OF THE RECORD ON APPEAL WITHIN THE TIME PROVIDED IN SECTION 9.5-521(f), MONROE COUNTY CODE."

Please Note: A transcript made from recordings or other secondary means does not provide a sufficiently accurate record of all the speakers. Therefore, such "secondary" transcripts may not be accepted as a valid verbatim transcript.

MONROE COUNTY ***LIVE***

Page 1 of 1

MISCELLANEOUS RECEIPT

RECEIPT # : 89216

PRINT DATE : 08/09/2006

RECEIPT DATE : 08/09/2006

PRINT TIME : 08:41:47

OPERATOR : tedescod

COPY # : 1

RECEIVED BY : tedescod

CASH DRAWER: 2

REC'D. FROM : SANDRA WALTERS CONS.

UDF 106.1 :

UDF 106.2 :

NOTES : 26049 SPENCER

FEE ID	AMOUNT	THIS RCPT	BALANCE
ZONING-008	950.00	950.00	0.00
ZONING-031	735.00	735.00	0.00
TOTALS:	1685.00	1685.00	0.00

METHOD OF PAYMENT	AMOUNT	NUMBER
CHECK	1685.00	756
TOTAL RECEIPT :	1685.00	

SANDRA WALTERS CONSULTANTS
PH. 305-294-1238
6410 FIFTH STREET STE. 3
KEY WEST, FL 33040

Date June 12, 2006

Pay to the Order of Monroe County Planning Department \$ 1685.00

One thousand six hundred eighty five and no/100ths

FIRST STATE BANK OF THE FLORIDA KEYS
KEY WEST, FLORIDA 33040

For Appeal of bldg permit # 061-334 Sandra Walters MP

0067000438 0404442445 0756

756
63-43/670
4

Security features are included. Details on back.

LIST OF ATTACHMENTS

No.	Description	# of Pages
1	June 1, 2006 Agent Letter.....	1
2	A June 5, 2006 SWC Letter Explaining Appeal	1
	B June 12, 2006 Supplemental Brief and Description of Evidence	
3	Photographs Showing Basin on October 24, 2004 and May 18, 2006	1
4	January 17, 2006 Building Permit Application.....	8
5	May 2, 2006 Building Permit.....	2
6	July 28, 1995 DEP Dock Exemption & Permit Sketches.....	13
7	August 21, 1995 DEP Authorization to Proceed	5
8	May 19, 2006 Application to DEP for Exemption	23
9	A Adjacent Property Owner Mailing Labels.....	1
	B Property Records for Tucker's and All Adjacent Parcels	9

ATTACHMENT 1

Linda H Spencer
1107 Key Plaza #269
Key West, FL 33040
cell 413 665-7373 Linda @LindaSpencer.com

June 1, 2006

Ty Symroski, Director
Monroe County Growth Management Division
Marathon Government Center
2798 Overseas Hwy
Marathon, FL 33050

Subject: Designation of Sandra Walters Consultants, Inc. as agent

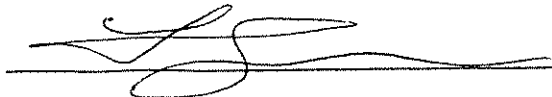
Dear Mr. Symroski:

I am the owner of property located at 21550/21552 Overseas Hwy, Cudjoe Key, Monroe County, FL, RE # 1226947. By this letter I designate Sandra Walters Consultants, Inc. (SWC) as agent to represent my interests regarding any land use issues, and in particular regarding any appeals or objections presented to Monroe County regarding adjacent properties.

I will be out of the country for the next two weeks, but if you have any questions in this regard, you can contact me at the following telephone number, 413 665-7373, or email address Linda@LindaSpencer.com

Thank you for your assistance in this matter.

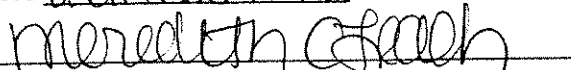
Sincerely,



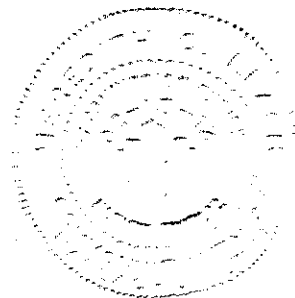
Linda Spencer

STATE OF Ma COUNTY OF Franklin Sworn to (or affirmed) and subscribed
to me this 1st day of June, 2006, by Linda Spencer who is personally known
or who has produced a drivers license as identification.

Notary Signature



MEREDITH C. LEACH
Notary Public
Commonwealth of Massachusetts
My Commission Expires
February 15, 2013



June 5, 2006

Ty Symroski, Director
Monroe County Growth Management Division
2798 Overseas Highway
Marathon, FL 33050

Subject: Building Permit No. 061-334, issued May 2, 2006

Dear Mr. Symroski:

You should already have received a letter from Linda Spencer assigning Sandra Walters Consultants, Inc. (SWC) as agents regarding any land use matters affecting her property, which is directly adjacent to the property for which the above-referenced building permit was issued. It also specifically mentions an appeal of that permit. By this letter, we formally appeal the issuance of this permit on behalf of Mrs. Spencer, under the provision of Ch. 380.06 FAC that provides a 45-day appeal period by adjacent property owners for any issued building permit.


We believe one aspect of this permit—installation of four pilings within a boat basin directly adjacent to Mrs. Spencer's property—has been issued incorrectly. These pilings have been represented as pre-existing Hurricane Wilma, when in fact there were no pilings in this location. If a regular building permit rather than a Hurricane Wilma replacement permit had been applied for, Mrs. Spencer as the immediately adjacent property owner would have been notified and had the opportunity to object. However, as this was treated as a replacement permit, Mrs. Spencer's first awareness of its issuance was when a large crane installed four new pilings in the basin, one of which is less than three feet from her seawall and blocks all access to the seawall. Therefore, Mrs. Spencer receives substantial harm from this new construction, inaccurately portrayed as replacement.

Attached is an October 2004 photograph of the boat basin where the new pilings have been installed, taken by SWC staff during preparation of a dock permit application for Mrs. Spencer. Clearly, no such pilings existed at this time, and no permits have been issued by the Florida Department of Environmental Protection and U.S. Army Corps of Engineers for installation of new pilings at this location. Also attached is a May 18, 2006 photograph showing the new pilings taken by Mrs. Spencer. Further evidence in this matter will be provided under separate cover.

Please call if you have any questions. Otherwise, we look forward to notice regarding further hearing in this matter or revocation of this aspect of the permit and required removal of the pilings.

Sincerely,

SANDRA WALTERS CONSULTANTS, INC.



Sandra Walters
Principal

Attachment: 12/04 photograph
cc: Linda Spencer

ATTACHMENT 2B

Supplemental Brief and Description of Evidence

Observations from Evidence

1. The pilings in question did not exist in the boat basin on October 24, 2004 or subsequently until installation in May 2006 (see Attachment 3).
2. Page 2 of the permit application (see Attachment 4) applies to the earlier permit (no. 9510000666) issued in 1995 for the dock on open water. It describes the work as involving installation of "a pile-supported dock and two mooring piles." Page 4 of Attachment 4 is the permit sketch from the 1995 application, and the proposed wood dock and mooring pilings are clearly labeled. There are some handwritten notes on this drawing, including four dots in the area labeled boat basin. With only this figure to refer to, it would appear these dots indicate existing pilings. They are clearly not the subject of the 1995 permit as they are not mentioned on page 2, nor are they the subject of any of the other permit sketches (pages 5-6). Page 7 shows photographs of the areas subject to the repair permit. The photo in the lower right shows the area in question, and no pilings of any kind are visible out in the basin itself, only along the seawalls. The upper right photo shows the dock itself, and all the pilings are still in place despite storm damage. It is highly unlikely that storm surge would have entirely removed four pilings in the boat basin. Attachment 4 was obtained by SWC staff directly from the Monroe County Building Department files on June 2, 2005.
3. Attachment 5 is the permit which is the subject of this appeal. On page 2, it specifies "replace mooring piles in boat basin." However, these piles were never present.
4. Attachment 6 is the DEP exemption letter issued in 1995 for the dock on open water. The application filed in 1995 starts on page 4. On page 5, the second page of the application, it specifies the work is for a pile supported dock and two mooring pilings. Page 7 is identical to the page 2 in Attachment 4, and again does not mention the four pilings in the boat basin. Page 10 is the permit sketch presented in 1995. Contains no handwritten notes, nor does it contain the four dots shown on page 4 of Attachment 4 indicating existing pilings in the boat basin. This document was obtained by SWC staff directly from the Department of Environmental Protection files on June 5, 2006.
5. Attachment 7 is the DEP authorization to proceed with construction of the dock on open water, and the attached permit sketches again only show this dock and two mooring pilings. This document was obtained by SWC staff directly from the Department of Environmental Protection files on June 5, 2006.
6. Attachment 8 is an application filed with DEP for an exemption to "repair storm-damaged pilings" (pages 4 and 5) filed on May 19, 2006. Page 18 is a permit sketch identical to page 4 in Attachment 4, showing hand annotations and the four dots in the

boat basin. The permit sketches on pages 19 and 20, however, only show the dock on the open water and the two associated pilings. Page 20 is identical to page 2 in Attachment 4, and only describes the dock on open water and two mooring pilings. Page 21 is identical to page 7 of Attachment 4 and the lower right photo again shows no pilings in the boat basin. This document was obtained by SWC staff directly from the Department of Environmental Protection files on May 24, 2006.

7. Attachments 9A and B are adjacent property owner mailing labels, and property record cards for all relevant properties fully documenting Mrs. Spencer as an immediately adjacent property owner.

Conclusions

1. The permit sketches submitted originally in 1995 for the dock on open water have been changed for the applications submitted to the County and DEP in 2006, and indicate pilings as existing that were never there and were not the subject of any earlier permitting.
2. These four pilings in the boat basin are, therefore, new construction and erroneously permitted as replacement.
3. Mrs. Spencer, as adjacent property owner, never had opportunity to review the permit applications as would have been the case if they had been submitted as new construction because they were presented, erroneously, as replacement. If she had seen them prior to permit issuance she would have objected then.

Resolution

Mrs. Spencer requests that Monroe County revoke this inappropriately issued building permit and require the pilings, which obstruct water access to her property, be removed.



October 25, 2004 photograph of boat basin between Tucker and Spencer properties taken by SWC staff. No pilings exist out in basin itself.



May 18, 2006 photograph of same basin taken by Linda Spencer. This is one of four new pilings installed since permit no. 061-334 was issued on May 2, 2006.

WILMA

APPLICATION FOR BUILDING PERMIT
MONROE COUNTY GROWTH MANAGEMENT DIVISION
Note: ALL OWNER BUILDERS MUST APPLY IN PERSON (F.S.489.103(7))

Rec'd by: _____
 Date: 1/17, 20 06

Permit # 061-334 Application Date: 1/17, 20 06

Property Owner's Name: DAVID & MARY TUCKER Phone: 745-2543

Mailing Address: 21544 Overseas Hwy

Property Description Key Cudjoe Lot 24 Block RE# 06174890

Subdivision SACARMA MM Const. Address: 21544 OSH Cudjoe

Proposed Construction: REPAIR DOCK PILING, & SEAWALL gugino dock 951-666

Construction debris will be removed by Applicant or Specialty Contractor (Name)

Check applicable box for Roofing Permit: NEW RE-ROOF RE-COVER FLOOD ZONE

Square Feet (area, if applicable) _____ Estimated Total Cost \$4000

Contractor Name: _____ Phone: _____

Address: _____

Subcontractors: _____

Roofing _____ Electrical _____ Pool _____

Mechanical _____ Plumbing _____ Elevator _____

General Remarks: REPAIR PILING ON DOCK, REPLACE STAIRS & DECKING
REPLACE MURRING PILES (4) IN BOAT BASEN, REPAIR SEAWALL VOIDS

OWNER'S AFFIDAVIT: I certify that all the foregoing information is accurate and that all work will be done in compliance with all applicable laws regulating construction and zoning.

"Notice: In addition to the requirements of this permit, there may be additional restrictions applicable to this property that may be found in the public records of this county, and there may be additional permits required from other governmental entities such as water management districts, state agencies or federal agencies."

WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE RECORDING YOUR NOTICE OF COMMENCEMENT. FAILURE TO POST THE 'NOTICE OF COMMENCEMENT' AT THE JOB SITE WILL RESULT IN THE INABILITY OF OUR INSPECTORS TO OFFER AN APPROVED INSPECTION.

Upon completion of the project for which I have made application for a Building Permit, I must pay the pro-rated residential solid waste assessment, or show proof of commercial service with a franchised commercial collector prior to a Certificate of Occupancy being issued.

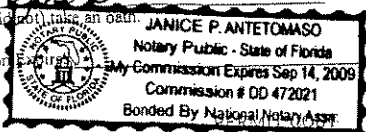
I hereby certify that I have read and examined this application and know that same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any local, state or federal laws regulating construction or the performance of construction.

Owner
 Signature: [Signature]
 Date: 1/17/06

Contractor
 Signature: _____
 Date: _____

NOTARY as to Owner
 Sworn to & subscribed to before me this 17 day of JAN, 2006
 he/she is personally known to me or has produced _____ as identification

NOTARY as to Contractor
 Sworn to & subscribed to before me this _____ day of _____, 20____
 he/she is personally known to me or has produced _____ as identification
 and who did (did not) take an oath.

My Commission Expires _____


My Commission Expires _____

	RECEIPT #	DATE
FIRE MARSHALL		
LDR REVIEW		
FEMA REVIEW		
RAD/REC		
BUILDING <u>NC</u> <u>1/23/06</u>		
ROOFING		
ELECTRICAL		
A/C, MECHANICAL		
PLUMBING		
TOTAL PERMIT FEE		
APP FEE CREDIT		

PERMIT FEE DUE _____

IMPACT _____
 RECEIPT # _____

DATE: _____

FOR DEPT USE ONLY
 _____ DEVELOPMENT
 _____ NON-DEVELOP.

[Signature]
 BUILDING OFFICIAL, ASSISTANT BUILDING OFFICIAL
 APPROVED FOR ISSUANCE OF PERMIT

APPLICATION FOR BUILDING PERMIT

"SPECIFIC BIOLOGICAL
 CONDITIONS APPLY

BIOLOGIST APPROVAL
 AS PER MONROE COUNTY CODE

Revised 8/2/2005

ATTACHMENT 4

BUILDING APPROVED
SUBJECT TO FLORIDA BUILDING CODE

1K 1/23/06

LOT 25

312.5'± TO APPROX. MHW LINE

280' PLAT

CONC. PATIO

CBS RESID.

PART OF LOT 24

SCREEN PORCH

SLAG CONC.

184.7'± TO APPROX. MHW LINE

250'± PLAT

UNNAMED ROAD

BOAT BASIN

APPROX. MHW LINE

RECORD SHORELINE

PROPOSED WOOD DOCK

PROPOSED MOORING PILES

SACARMA BAY

LOT 23

NORTH

U. DIST: SR PAGE 450

PLAN AREA: LY BY: TD DATE: 5-8-95

PLANNING REQUIREMENTS App

BY M. T. Legans DATE 3/9/95

APPROVED
MONROE COUNTY
BUILDING DEPARTMENT

APPLICANT:
MARY TUCKER

PROJECT:
PILE-SUPPORTED DOCK

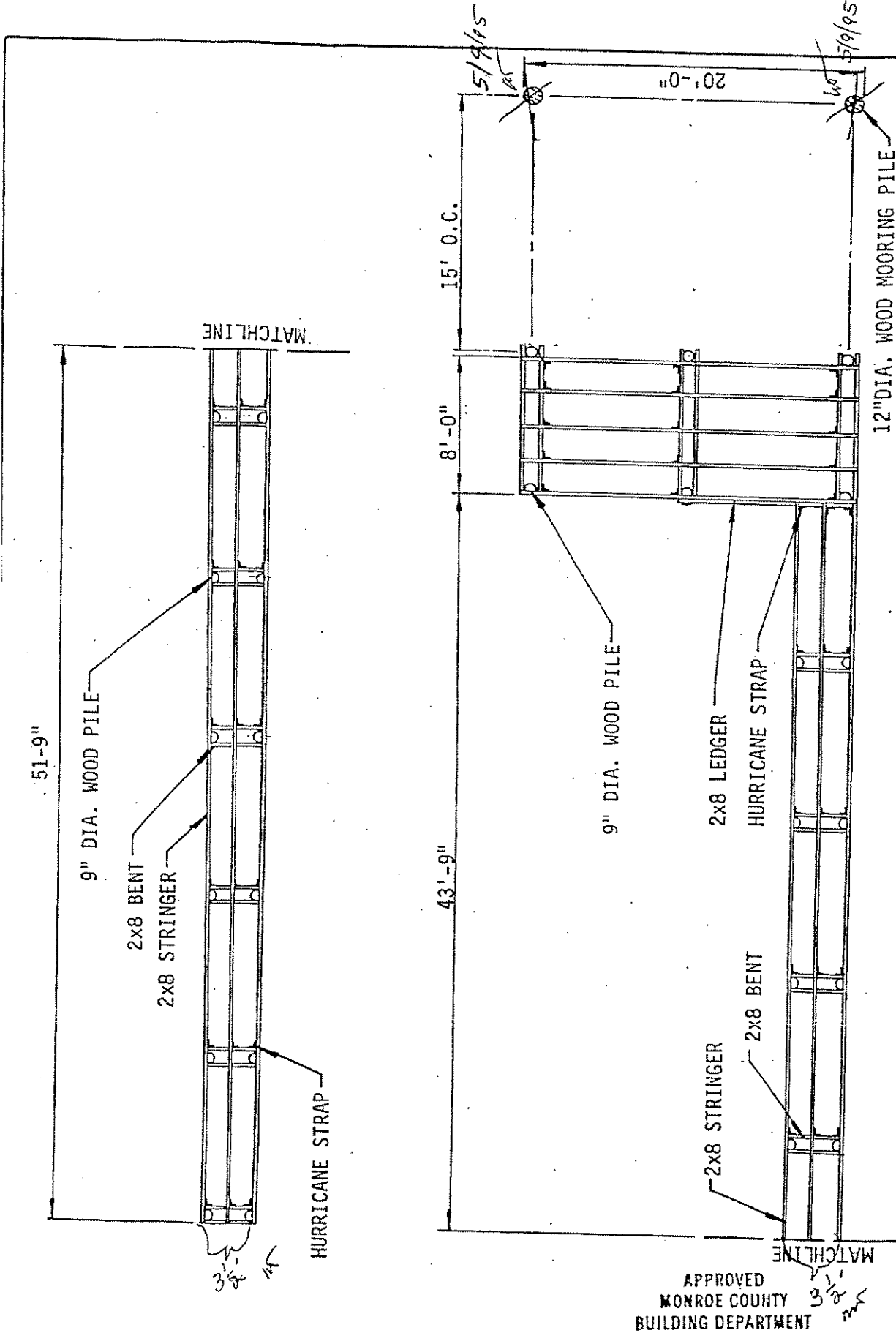
SITE PLAN

SHEET 2 OF 4
SCALE: 1"=40'
SCALE IN FEET

0 40 80

AGENT:

GLEN BOE & ASSOCIATES, INC.
P.O. BOX 523406
MARATHON SHORES, FL 33052-3406
(305) 743-9121



APPROVED
MONROE COUNTY
BUILDING DEPARTMENT

APPLICANT:
MARY TUCKER

PROJECT:
PILE-SUPPORTED DOCK

FRAMING PLAN
SHEET 3 OF 4
SCALE: 1/8" = 1'-0"
SCALE IN FEET
0 5 10

AGENT:
GLEN BOE & ASSOCIATES, INC.
P.O. BOX 523406
MARATHON SHORES, FL 33052-3406
(305) 743-9121

Applicant: Mary Tucker

Project: Pile-Supported Dock with Mooring Piles

REMARKS

The applicant owns a waterfront residence at Cudjoe Key. She seeks authorization to install a pile-supported dock and two mooring piles. The purpose of the project is to provide boating access to the property.

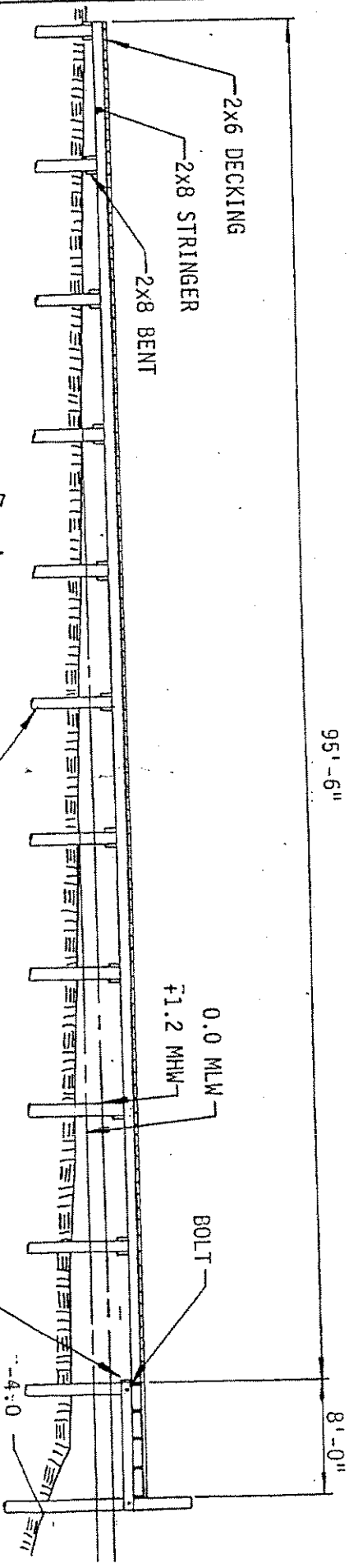
Construction will proceed by installing all of the necessary piles. Piles near shore will be installed by a land-based crane/driver. Those that cannot be reached from the land will be installed by barge-mounted equipment. Piles will be placed in augered or punched holes and driven to refusal. Bents will be bolted to the dock support piles. Stringers and decking will be added to complete the project.

Prior to any construction activities, turbidity curtains will be deployed to isolate the construction site from ambient waters. These will remain in place until all construction-induced turbidity has subsided.

After the piles have been installed, the remainder of the construction activities will be conducted from the land with the aid of a work boat. The piles that will be installed from the barge will be barged to the site. All other construction materials will be trucked to the site over existing roads and the applicant's property.

LEGAL DESCRIPTION:

Part of Lot 24, Sacarma Subdivision, Cudjoe Key, as recorded in Plat Boopk 2, Page 48, Monroe County Public Records.



- NOTES:
- (1) TIMBERS AND DECKING SHALL BE .40 CCA PRESSURE TREATED. PILES SHALL BE 2.5 CCA PRESSURE TREATED.
 - PILES: 9" DIA. WOOD
 - STRINGERS: 2x8
 - BENTS: 2x8
 - DECKING: 2x6
 - DECK NAILS: 16d GALV.
 - (2) STRINGER AND BENTS SHALL BE THRU-BOLTED TO PILES AT ALL CONNECTION POINTS WITH 5/8" HOT DIPPED GALVANIZED BOLTS.
 - (3) PILES SHALL PENETRATE ROCK NOT LESS THAN 3 FT. PILES SHALL BE SPACED @ 10 FT. O.C. (MAX.)

APPROVED
[Signature]
 Plans Examiner/Sr. Inspector
 MONROE COUNTY BUILDING DEPT.
 Date: 5-8-95

9" DIA. (MIN.) P.I.
WOOD PILE (3' MIN.
INTO ROCK)

2x8 LEDGER

0.0 MLW
±1.2 MHW

BOLT

95'-6"

8'-0"

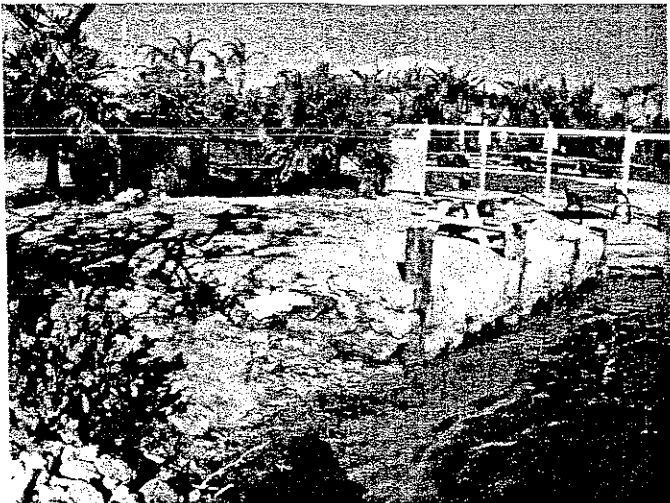
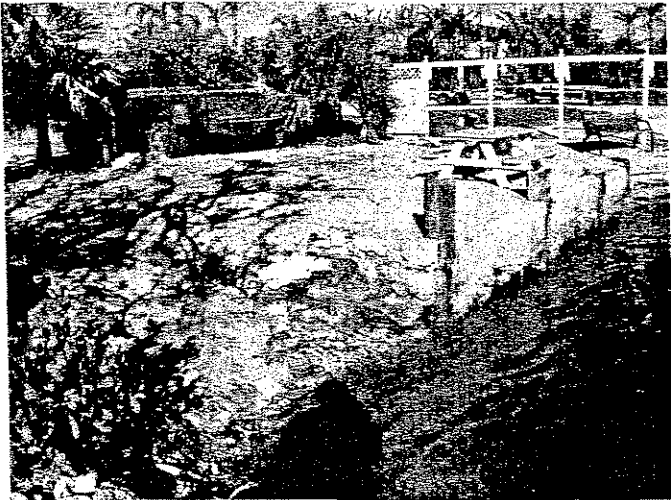
APPLICANT:
 MARY TUCKER
 PROJECT:
 PILE SUPPORTED DOCK

ELEVATION
 SHEET 4 OF 4
 SCALE: 3/32" = 1'-0"
 SCALE IN FEET
 0 10 20

AGENT:
 GLEN BOE & ASSOCIATES, INC.
 P.O. BOX 523406
 MARATHON SHORES, FL 33052-3406
 (305) 743-9121



FILE
061-0334



PROJECT LOCATION

NOAA CHART NO. 11445

SCALE: 1:40,000

LAT: 24°39'53"

LONG: 81°29'53"

ADJOINING OWNERS

HOME INC. PROFIT SHARING

PLAN & TRUST

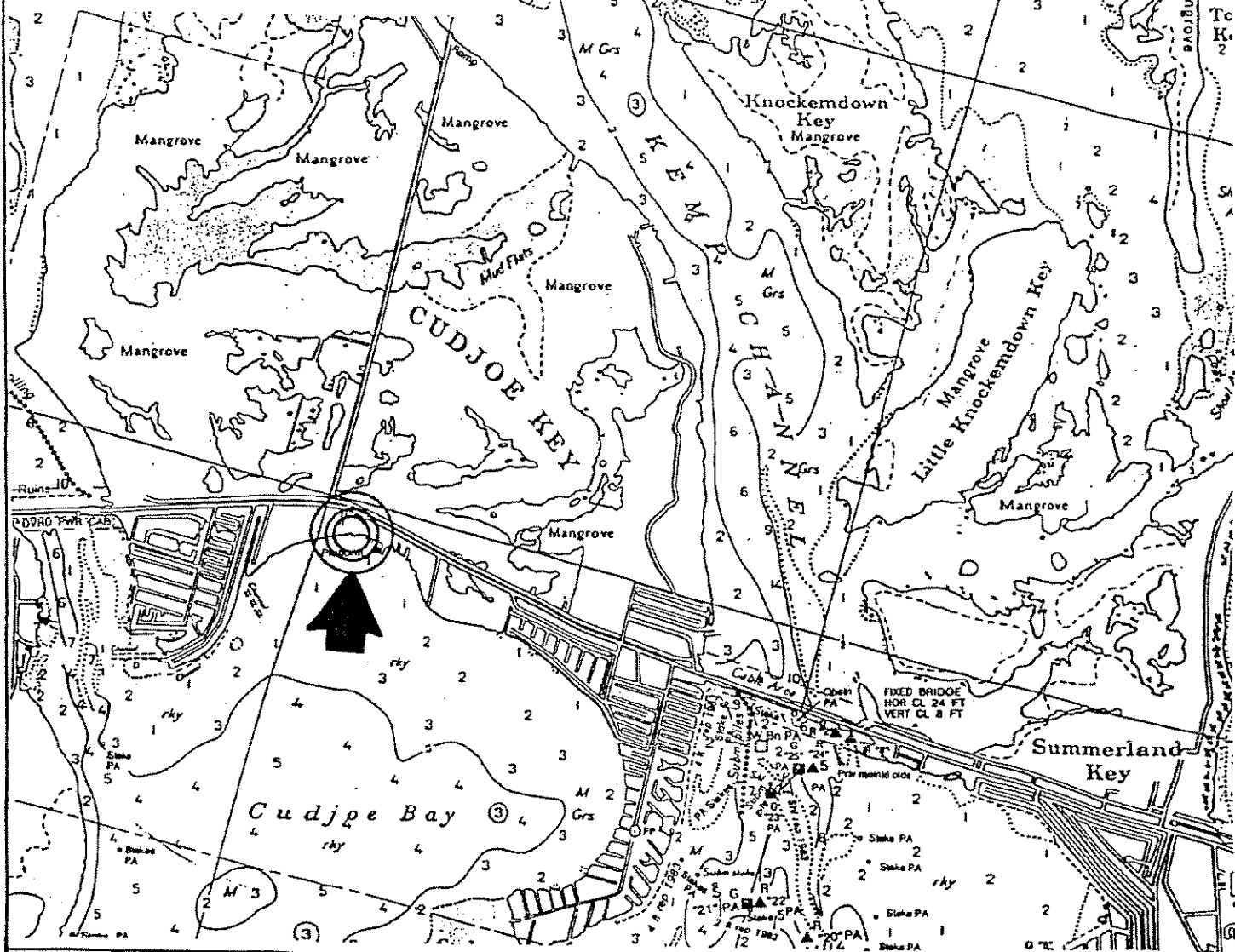
2721 DIVISION STREET

N. ST. PAUL, MN 55109

CAOL SCHUSTER

2323 GOWANDA-ZOAR ROAD

GOWANDA, N.Y. 14070



APPLICANT:
MARY TUCKER

PROJECT:
PILE SUPPORTED DOCK

LOCATION & VICINITY

SHEET 1 OF 4

SCALE AS SHOWN

AGENT:

GLEN BOE & ASSOCIATES, INC.
P.O. BOX 523406
MARATHON SHORES, FL 33052-3406
(305) 743-9121

PERMIT NUMBER: 9510000666
PERMIT TYPE: BIOLOGICAL PERMIT - DOCK
PROPERTY ADDRESS: LT 24 SACARMA U.S.#1 CUDJ
OWNERS NAME: TUCKER MARY

DATE: 5/22/95

2 X 6 DECKING.
NO ELEC. OR PLBG. ALLOWED IN THIS PERMIT
PLANNING APPR. 5/9/95.
ACOE EXEMPT.

DEA effective date 7/10/95

MA

**MONROE COUNTY BUILDING DEPARTMENT
BUILDING PERMIT**

Applicant: 01/17/2006 Prepared by: TUCKER Date Issued: 05/02/2006 Permit No.: 05100334

Permit Type: DOCK/SEAWALL REPAIR

ATTACHMENT 5

Section	Township	Range	Re #	Resub 1	Resub 2	Mile Marker	
29	55	28	001748-00000000			6.23	
Property Address						Land Use District	Reviewed by
SACARMA CUDJOB KEY S 150 FT LOT 24 PB2-4B SR							
Division Name						Legal Address	
						SACARMA CUDJOB KEY S 150 FT LOT 24	
Owner's Name / Address / Telephone				General Contractor			
TUCKER DAVID AND MARY PO BOX 502 SUMMERLAND KEY FL 33042 3057452540				TUCKER DAVID AND MARY PO BOX 502 SUMMERLAND KEY, FL 33042			
				Sub Contractor			
				SEE ATTACHED PAGE FOR SUBCONTRACTORS			
Construction	BFE	FFE	FLZ				
Approved Water Source				Flood Map Panel NO.		Flood Elevation Requirement	
# Units	Sq. Ft.	Valuation	Improvements				
288	0	\$4000	RESIDENTIAL				
Schedule of Fees							

PER DESCRIPTION	PER AMT	AMT PAID	BALANCE DUE
* NO FEES *			

21544 OVERSEAS HIGHWAY, CUDJOB KEY
REPAIR SEAWALL AND DOCK (HURRICANE WILMA)
** NOTICE OF COMMENCEMENT REQUIRED **
RESET PILES ON DOCK AND REPLACE STRINGERS &

** MORE INFORMATION TO PRINT ADDITIONAL PAGE REQ'D

MAY 19 2006

PLEASE READ THE REVERSE OF THIS DOCUMENT BEFORE YOU SIGN AS OWNER, CONTRACTOR OR AUTHORIZED AGENT.

SIGNATURE OF OWNER, CONTRACTOR OR
AUTHORIZED AGENT

BY
BUILDING DEPARTMENT

INSPECTORS

ermit #: 06100334

01/17/2006

ermit Type: DOCK/SEAWALL REPAIR

ddress: SACARMA CUDJOE KEY S 250 FT LOT 24 PB2-48

wner: TUCKER DAVID AND MARY

1544 OVERSEAS HIGHWAY, CUDJOE KEY
EPAIR SEAWALL AND DOCK (HURRICANE WILMA)

* NOTICE OF COMMENCEMENT REQUIRED **

ESET PILES ON DOCK AND REPLACE STRINGERS &
ECKING.

RIVE PILES IN FRONT OF EXISTING SEAWALL, FORM,
ND POUR CONCRETE TO FILL VOIDS CAUSED BY
URRICANE WILMA.

EPLACE MOORING PILINGS IN BOAT BASIN.

**SEE PLANS REVIEW COMMENTS FOR ADDITIONAL
CONDITIONS TO THIS PERMIT**

RIGINAL DOCK PERMIT 951-666

NSPECTIONS REQUIRED

EEMED NON-DEVELOPMENT

CA EXEMPT

D	SUBCONTRACTORS BUSINESS NAME	STATE/COUNTY CERT #
---	---------------------------------	---------------------

NO SUBCONTRACTORS ASSIGNED

PLAN REVIEWS COMPLETED

WAR-BLDG	tuckerm	** NO NOTES FOR THIS REVIEW **
U.K.-BLDG		** NO NOTES FOR THIS REVIEW **
U.I.-BLDG.		** NO NOTES FOR THIS REVIEW **
BIO	01/20/2006 vaserisj A	BIO APPROVED 01/20/06 BY JV FOR; DOCK- REPAIR/REPLACE EXISTING.[#951 0666]. MOORING PILE REPLACEMENT[4], SEAWALL RE- PAIR.

1)ALL WORK TO BE DONE IN EXISTING FOOT-
PRINT.

2)NO EXPANSION OF DOCKING AREA.

3)TURBIDITY CONTROL FOR ALL IN-WATER
WORK.

4)NO LAND CLEAR THIS PERMIT.

5)NO FILL THIS PERMIT.

EXAM	01/20/2006 kostich P	** NO NOTES FOR THIS REVIEW **
ABO	01/23/2006 petersd P	passed per walter 01/23/06

INSPECTIONS REQUIRED

NO ASSIGNED INSPECTIONS

MAY 19 2006

Mary

6/10/06

Department of Environmental Protection

South District
2295 Victoria Avenue, Suite 364
Fort Myers, Florida 33901-3881

ATTACHMENT 6

Virginia B. Wetherell
Secretary

July 28, 1995

Mary Tucker
c/o Glen Boe & Associates, Inc.
P. O. Box 523406
Marathon Shores, Florida 33052-3406

Re: Monroe County - ERP
File #442735005

Dear Ms. Tucker:

This letter (notice) is in response to your application File #442735005, received on January 30, 1995, (copy enclosed) to install a private dock 500 sq. ft. or less in over water surface area.

The Department has reviewed the submitted information. Based solely upon the documents submitted to the Department, the project has been determined to qualify as an activity which is exempt from the need for a wetland resource permit pursuant to Section 403.813(2)(b), Florida Statutes (F.S.).

This determination is applicable only pursuant to the statutes and rules in effect at the time the application was submitted. This determination may not be valid in the event subsequent changes occur in the applicable statutes and rules of the Department. Activities which qualify for this exemption must be constructed and operated using appropriate best management practices and in a manner which does not cause water quality violations, pursuant to Rule 62-302, Florida Administrative Code (F.A.C.).

The determination that your project qualifies as an exempt activity pursuant to Section 403.813(2)(b), F.S., may be revoked if the installation is substantially modified, or if the basis for the exemption is determined to be materially incorrect, or if the installation results in water quality violations. Any changes made

Continued

RECEIVED
JUL 31 1995

"Protect, Conserve and Manage Florida's Environment and Natural Resources"

Printed on recycled paper.

D.E.P. Marathon

Mary Tucker
File #442735005
Page Two

in the construction plans or location of the project may necessitate a permit or certification from the Department. Therefore, you are advised to contact the Department before beginning the project and before beginning any work in waters or wetlands which is not specifically described in your submittal.

A person whose substantial interests are affected by the Department's permitting decision (action) may petition for an administrative proceeding (hearing) in accordance with Section 120.57, F.S. The petition must contain the information set forth below and be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Blvd., Tallahassee, Florida 32399-3000. Petitions filed by the Applicant and the parties listed below must be filed within fourteen (14) days of receipt of this notice. Petitioner shall mail a copy of the petition to the Applicant at the address indicated above at the time of filing. Failure to file a petition within this time period shall constitute a waiver of any right that such a person may have to request an administrative determination (hearing) under Section 120.57, F.S.

The petition shall contain the following information:

- (a) The name, address, and telephone number of each Petitioner, the Applicant's name and address, the Department file number, and the county in which the proposed project would be located;
- (b) A statement of how and when each Petitioner received notice of the Department's action or proposed action;
- (c) A statement of how each Petitioner's substantial interests are affected by the Department's action or proposed action;
- (d) A statement of the material facts disputed by the Petitioner, if any;
- (e) A statement of facts that the Petitioner contends warrant reversal or modification of the Department's action or proposed action;
- (f) A statement of which rules or statutes Petitioner contends require reversal or modification of the Department's action or proposed action; and
- (g) A statement of the relief sought by Petitioner, stating precisely the action that the Petitioner wants the Department to take with respect to the Department's action or proposed action.

Continued . . .

RECEIVED
JUL 31 1995

D.E.P. Marathon FI

Mary Tucker
File #442735005
Page Three

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any decision of the Department with regard to the application have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within fourteen (14) days of receipt of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right that such a person has to request a hearing under Section 120.57, F.S., and to participate as a party to the proceeding. Any subsequent intervention will only be at the approval of the presiding officer on motion filed under Rule 28-5.207, F.A.C.

This notice constitutes final agency action unless a petition is filed in accordance with the above paragraphs or unless a request for extension of time in which to file a petition is filed within the time specified for filing a petition and conforms to Rule 62-103.070, F.A.C. Upon timely filing of a petition or a request for an extension of time this notice will not be effective until further Order of the Department.

When the Order is final, any party to the Order has the right to seek judicial review of the Order pursuant to Section 120.68, F.S., by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the clerk of the Department in the Office of General Counsel, 3900 Commonwealth Blvd., Tallahassee, Florida 32399-3000; and by filing a copy with the appropriate District Court of Appeal. The Notice of Appeal must be filed within thirty (30) days from the date the Order is filed with the clerk of the Dept.

This notice does not relieve you from the responsibility of obtaining other permits (federal, state or local) which may be required for this project. If you have any questions concerning this matter, please contact Ron Walters of the Fort Myers South District office at the letterhead address or by telephone at (941) 332-6975.

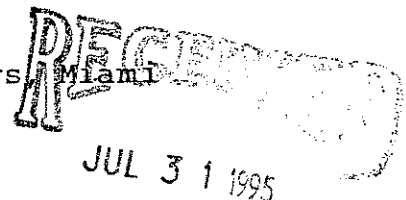
Sincerely,



Gordon Romeis
Environmental Administrator

GR/RW/rw
Enclosure

Copies to: DEP, Randy Grau, Marathon
DEP, Ann Lazar, Marathon
United States Army Corps of Engineers, Miami



D.E.P. Marathon, FL



Florida Department of Environmental Regulation

Twin Towers Office Bldg. • 2600 Blair Stone Road • Tallahassee, Florida 32399-2400

DER Form #	17-312.900(1)
Form Title	Joint App. for Works in the Waters of Florida
Effective Date	October 10, 1990
DER Application No.	(Filed in by DER)

NO FEE

Joint Application

for Works in the Waters of Florida

Department of the Army (Corps)/Florida Department of Environmental Regulation (DER)
Department of Natural Resources (DNR)/Delegated Water Management District (Delegated WMD)

Type or Print Legibly

Corps Application Number (official use only)		DER Application Number (official use only) 442735005	
1. Applicant's Name and Address			
Name <u>TUCKER, MARY</u> <small>Last Name, First Name (If Individual); Corporate Name; Name of Govt. Agency</small>			
Street <u>P.O. BOX 502</u>			
City <u>SUMMERLAND KEY,</u>		State <u>FLORIDA</u>	Zip <u>33042</u>
Telephone <u>(305) 2892-2589</u>		(Day)	(Night)
2. Name, Address, Zip Code, Telephone Number and Title of Applicant's Authorized Agent			
Name <u>Boe, Glen</u> <small>Last Name, First Name</small>			
Corporate Name; Name of Govt. Agency <u>Glen Boe & Associates, Inc.</u>			
Street <u>P.O. Box 523406</u>			
City <u>Marathon Shores</u>		State <u>FL</u>	Zip <u>33052-3406</u>
Telephone <u>(305) 743-9121</u>		(Day)	(Night)
3. Name of Waterway at Work Site: <u>BUDJOEBAY (ATLANTIC OCEAN)</u>			
4. Street, Road or Other Location of Work <u>PRIVATE ROAD, MM 21.3±</u>			
Incorporated City or Town <u>BUDJOE KEY</u>			
Section <u>29</u>	Township <u>66</u>	Range <u>28</u>	
Section	Township	Range	
Section	Township	Range	
County(ies) <u>MONROE</u>			
Coordinates in Center of Project:		Federal Projects Only: <u> </u> x <u> </u> y	
Latitude <u>24</u> ° <u>39</u> ' <u>53</u> "	Longitude <u>81</u> ° <u>29</u> ' <u>53</u> "		
Lot <u>PART 24</u>	Block <u> </u>	Subd <u>SACARMA</u>	Plat Bk <u>2</u> Pg <u>48</u>
Directions to Locate Site: <u>US HWY NO.1 SOUTH TO MM 21.3± LEFT @ ROAD ACROSS FROM "GOCO'S"</u>			
<u>CANAL PROJECT SITE IS ON RIGHT @ TERMINUS OF ROAD?</u>			
5. Names, Addresses, and Zip Codes of Adjacent Property Owners Whose Property Also Adjoins the Water (Excluding Applicant). Show Numbers or Names of These Owners on Plan Views. If More Than Six (6) Owners Adjoin the Project, You May Be Required to Publish a Public Notice for the DER.			
1. <u>A.A. RAMELLI</u>	2. <u>CLAUDE LOWE</u>	3. <u> </u>	
<u>RT. 6, BOX 424-E</u>	<u>EDWARD R. LOWER & CAROL SCHUSTER</u>	<u>RECEIVED</u>	
<u>SUMMERLAND KEY, FL 33042</u>	<u>13828 60th ST. NO.</u>		
<u>(lot 25)</u>	<u>CLEARWATER, FL 33520</u>	<u>JAN 30 1995</u>	
4. <u> </u>	5. <u> </u>	6. <u> </u>	
<u> </u>	<u> </u>	<u>DER SUBMITTAL</u>	

DER Form 17-312.900(1)
 Form Title Joint Aprior Works in the Waters of Florida
 Effective Date October 10, 1990
 DER Application No. _____
 (Filed in by DER)

6. Proposed Use (Check one or more as applicable) ☒ Private Single Family ☒ Multi Family ☐ Public ☐ Commercial ☐ New Work ☒ Alteration of Existing Works ☐ Maintenance ☐ Other (Explain) _____

7. Desired Permit Duration (see Fee Schedule)
 5 Yr ☐ 10 Yr ☐ Other (Specify) _____

8. General Permit or Exemption Requested
 DER General Permit FAC Rule 17-312. _____ DER Exemption FAC Rule 17-312. 050(1)(i) Section 403: _____ F.S.

9. Total Extent of Work in Jurisdictional Open Waters or Wetlands: (Use additional sheets and provide complete breakdown of each category if more space is needed.)

a. Within Corps Jurisdiction:
 Fill: 0 Sq. Ft. _____ Acres _____ Cu. Yds.
 Excavation: 0 Sq. Ft. _____ Acres _____ Cu. Yds.

b. Within DER Jurisdiction:
 Fill: 0 Sq. Ft. _____ Acres _____ Cu. Yds.
 Excavation: 0 Sq. Ft. _____ Acres _____ Cu. Yds.
 Excavation Waterward of MHW 0 cu. yds. (Information needed for DNR)

c. DER Jurisdictional Area Severed (Area Landward of Fill Structures which will be Severed):
0 Sq. Ft. _____ Acres

d. DER Jurisdictional Area Created (New Excavation from Uplands, Exclusive of Mitigation):
0 Sq. Ft. _____ Acres

e. Docks, Piers, and Over Water Structures: PILE SUPPORTED DOCK
 Total Number of Slips _____ Total Number of Mooring Piliings 2
 Length ACCESS 95.5' Width 3.5' Height above MHW +2.5'
 Length PLATFORM 20' Width 8' Height above MHW +2.5'
 Number of Finger Piers _____ Length _____ Width _____ Height _____
 Number of Finger Piers _____ Length _____ Width _____ Height _____
 Total area of structure over waters & wetlands _____ sq. ft.
 Use of structure DOCKING OF PRIVATE RECREATIONAL BOAT

Will the docking facility provide:	No	Yes	Number
Liveaboard Slips	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____
Fueling Facilities	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____
Sewage Pump-out Facilities	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____
Other Supplies or Services Required for Boating (Excluding refreshments, bait and tackle)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____

f. Seawall length _____ ft. Seawall material _____
 Riprap revetment length _____ ft. Slope _____ H: _____ V Toe width _____ ft.
 Riprap at toe of seawall length _____ ft. Slope _____ H: _____ V Toe width _____ ft.
 Size of riprap _____
 Type of riprap or seawall material _____

g. Other (See Item 10).

RECEIVED

JAN 30 1995

DEP. SOUTH DISTRICT

DER Form #	17-312,900(7)
Form Title	Joint Application for Work in the Waters of Florida
Effective Date	October 30, 1991
DER Application No.	(Filled in by DER)

10. Description of Work (be specific; use additional sheets as necessary).

SEE ATTACHED REMARKS.

11. Turbidity, Erosion, and Sedimentation Controls Proposed:

TURBIDITY SCREENS FOR TURBIDITY CONTROL.

12. Date Activity is Proposed to Commence ASAP ; to be Completed MARCH 1995

Total Time Required to Construct 30 DAYS

13. Previous Applications for this Project have been: DER No. Corps No.

A. Denied (date) N/A

B. Issued (date) N/A

C. Other (please explain)

Differentiate between existing work and proposed work on the drawings.

14. Certification. Application is hereby made for a permit or permits to authorize the activities described herein.

A. I Certify That: (Please check appropriate space)

1. I am the record owner ☒ , lessee ☐ , or the record easement holder ☐ of the property on which the proposed project is to be undertaken, as described in the attached legal document.

2. I am not ☐ the record owner, lessee, or record easement holder of the property on which the proposed project is to be undertaken, as described in the attached legal document, but I will have, before undertaking the proposed work, the requisite property interest. (Please explain what the interest will be and how it will be acquired.)

Attach legal description of property or copy of deed to the property on which project is to occur (must be provided)

B. I understand I may have to provide any additional information/data that may be necessary to provide reasonable assurance or evidence that the proposed project will comply with the applicable State Water Quality Standards or other environmental standards both before construction and after the project is completed.

C. In addition, I agree to provide entry to the project site for inspectors with proper identification or documents as required by law from the environmental agencies for the purpose of inspecting the site. Further, I agree to provide entry to the project site for such inspectors to monitor permitted work, if a permit is granted.

D. This is a Joint Application and is not a Joint Permit. I hereby acknowledge the obligation and responsibility for obtaining all of the required state, federal or local permits before commencement of construction. I also understand that before commencement of this proposed project, I must be granted separate permits or authorizations from the U.S. Corps of Engineers, the U.S. Coast Guard, the Department of Environmental Regulation, the Delegated Water Management District (where applicable), and the Department of Natural Resources, as necessary.

E. I am familiar with the information contained in this application, and that to the best of my knowledge and belief, such information is true, complete and accurate. I further certify that I possess the authority to undertake the proposed activities or am acting as the duly authorized agent of the applicant. I understand that knowingly making any false statement or representation in this application is a violation of Section 403.161, F.S. and Chapter 837, F.S.

Glen Boe

Typed/Printed Name of Applicant or Agent

Signature of Applicant or Agent

12/21/94
Date

President, Glen Boe & Associates, Inc.

(Corporate Title if applicable)

AN AGENT MAY SIGN ABOVE IF APPLICANT COMPLETES THE FOLLOWING:

I hereby designate and authorize the agent listed above to act on my behalf as my agent in the processing of this permit application and to furnish on request, supplemental information in support of the application.

MARY TUCKER

Typed/Printed Name of Applicant

Signature of Applicant

1/22/95
Date

(Corporate Title if applicable)

15. For your information: Section 370.034, Florida Statutes, requires that all dredge and fill equipment owned, used, leased, rented or operated in the state shall be registered with the Department of Natural Resources. Before selecting your contractor or equipment you may wish to determine if this requirement has been met. For further information, contact the Chief of the Bureau of Saltwater Licenses and Permits, Department of Natural Resources, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399. Telephone No. (904) 487-3122. This is not a requirement for a permit from the Department of Environmental Regulation.

18 U.S.C. Section 1001 provides that, Whoever, in any manner within the jurisdiction of any department or agency of The United States knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

16. Please submit this completed form, with attached drawings and the complete DER processing fee (see Fee Schedule in Rule 17-4.050, F.A.C., copy attached) to the appropriate DER or Delegated WMD office with jurisdiction over the project site.

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JAN 30 1995

DER SOUTH DISTRICT

Applicant: Mary Tucker

Project: File-Supported Dock with Mooring Piles

REMARKS

The applicant owns a waterfront residence at Cudjoe Key. She seeks authorization to install a pile-supported dock and two mooring piles. The purpose of the project is to provide boating access to the property.

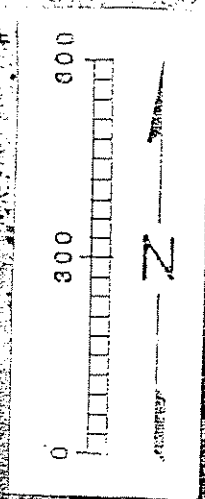
Construction will proceed by installing all of the necessary piles. Piles near shore will be installed by a land-based crane/driver. Those that cannot be reached from the land will be installed by barge-mounted equipment. Piles will be placed in augered or punched holes and driven to refusal. Bents will be bolted to the dock support piles. Stringers and decking will be added to complete the project.

Prior to any construction activities, turbidity curtains will be deployed to isolate the construction site from ambient waters. These will remain in place until all construction-induced turbidity has subsided.

After the piles have been installed, the remainder of the construction activities will be conducted from the land with the aid of a work boat. The piles that will be installed from the barge will be barged to the site. All other construction materials will be trucked to the site over existing roads and the applicant's property.

LEGAL DESCRIPTION:

Part of Lot 24, Sacarma Subdivision, Cudjoe Key, as recorded in Plat Book 2, Page 48, Monroe County Public Records.



3

PROJECT

PROJECT LOCATION

NOAA CHART NO. 11445

SCALE: 1:40,000

LAT: 24°39'53"

LONG: 81°29'53"

ADJOINING OWNERS

A.A. RAMELLI (Tot 25)

RT. 6, BOX 424-E

SUMMERLAND KEY, FL 33042

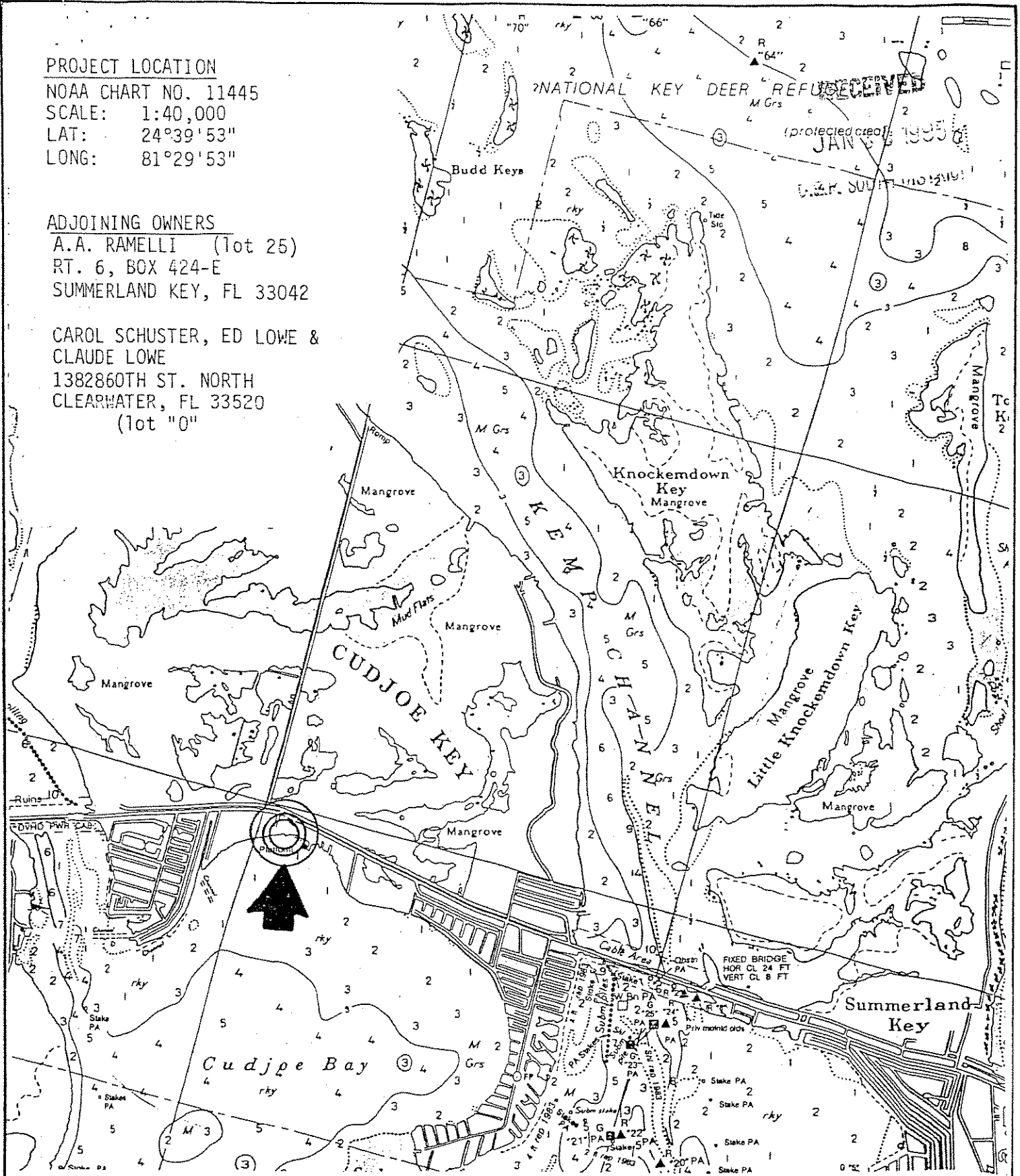
CAROL SCHUSTER, ED LOWE &

CLAUDE LOWE

1382860TH ST. NORTH

CLEARWATER, FL 33520

(lot "0")



APPLICANT:
MARY TUCKER

PROJECT:
PILE SUPPORTED DOCK

LOCATION & VICINITY
SHEET 1 OF 4
SCALE AS SHOWN

AGENT:

GLEN BOE & ASSOCIATES, INC.
P.O. BOX 523406
MARATHON SHORES, FL 33052-3406
(305) 743-9121

RECEIVED

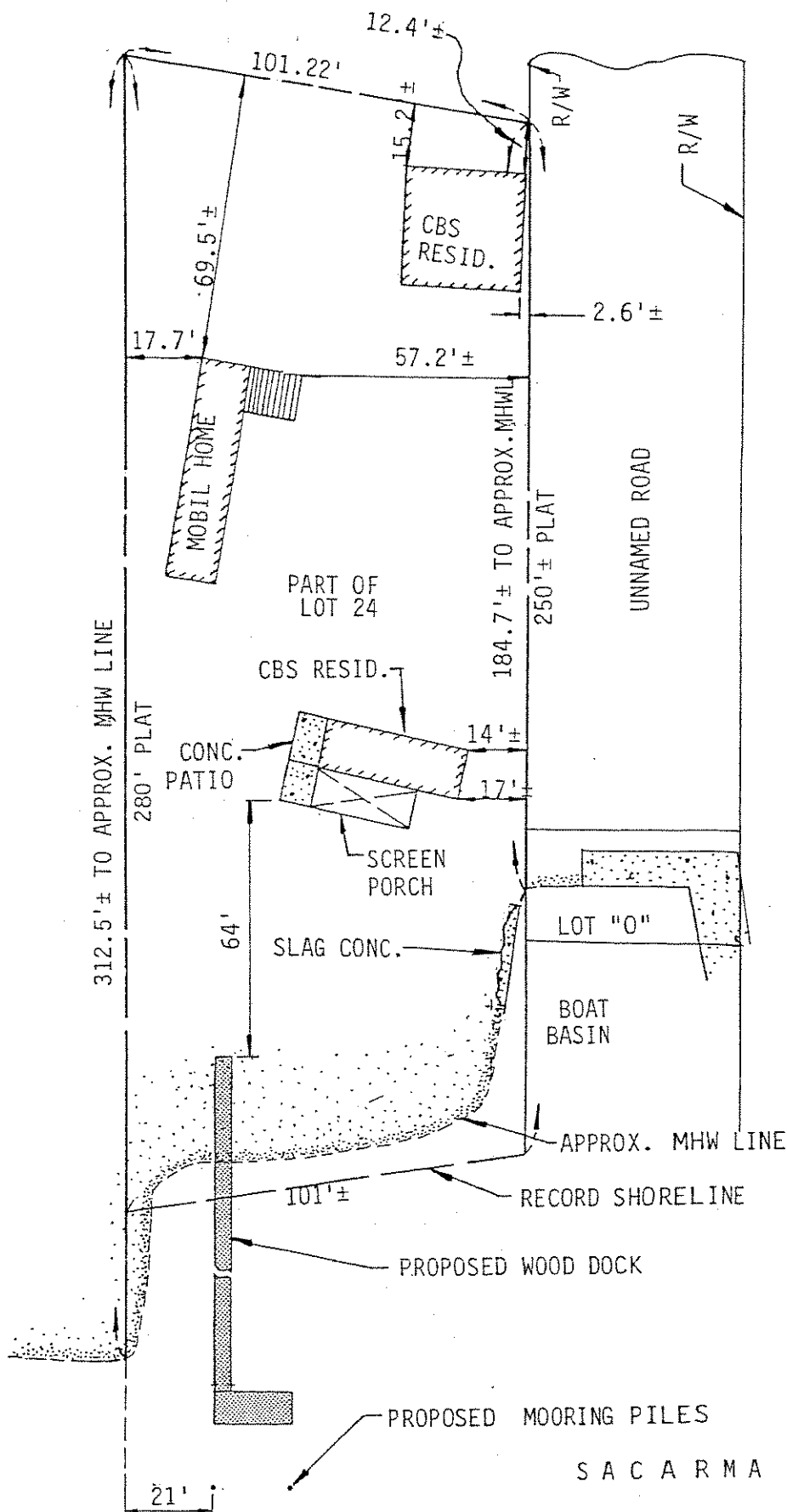
JAN 30 1995

DEPT. OF ENVIRONMENTAL PROTECTION

NORTH

LOT 25

LOT 23



APPLICANT:
MARY TUCKER

PROJECT:
PILE-SUPPORTED DOCK

SITE PLAN

SHEET 2 OF 4
SCALE: 1"=40'
SCALE IN FEET

0 40 80

AGENT:

GLEN BOE & ASSOCIATES, INC.
P.O. BOX 523406
MARATHON SHORES, FL 33052-3406
(305) 743-9121

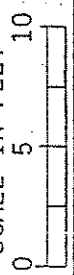
RECEIVED

JAN 30 1985

AGENT:
GLEN BOE & ASSOCIATES, INC.
P.O. BOX 523406
MARATHON SHORES, FL 33052-3406
(305) 743-9121

FRAMING PLAN

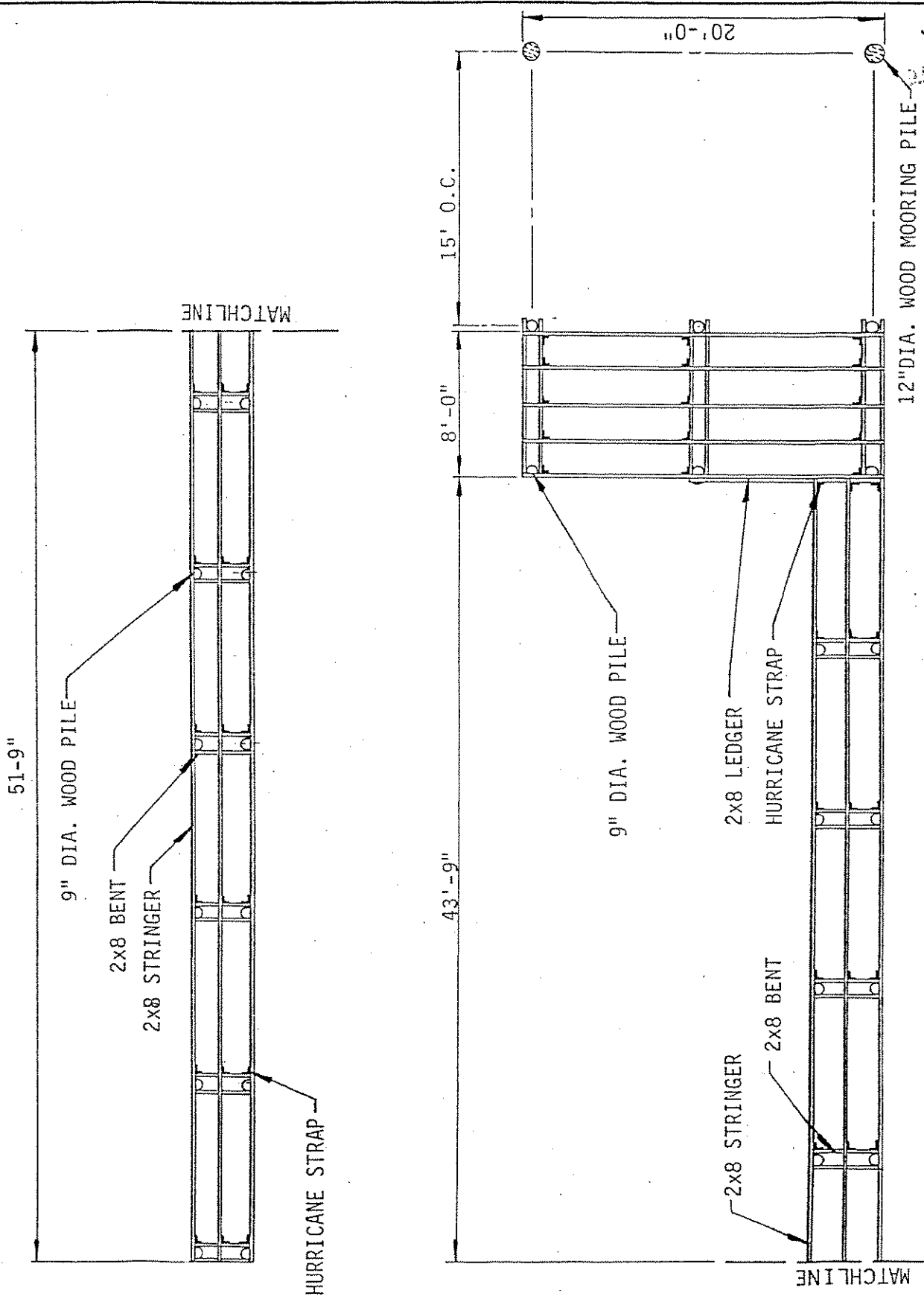
SHEET 3 OF 4
SCALE: 1/8" = 1'-0"
SCALE IN FEET

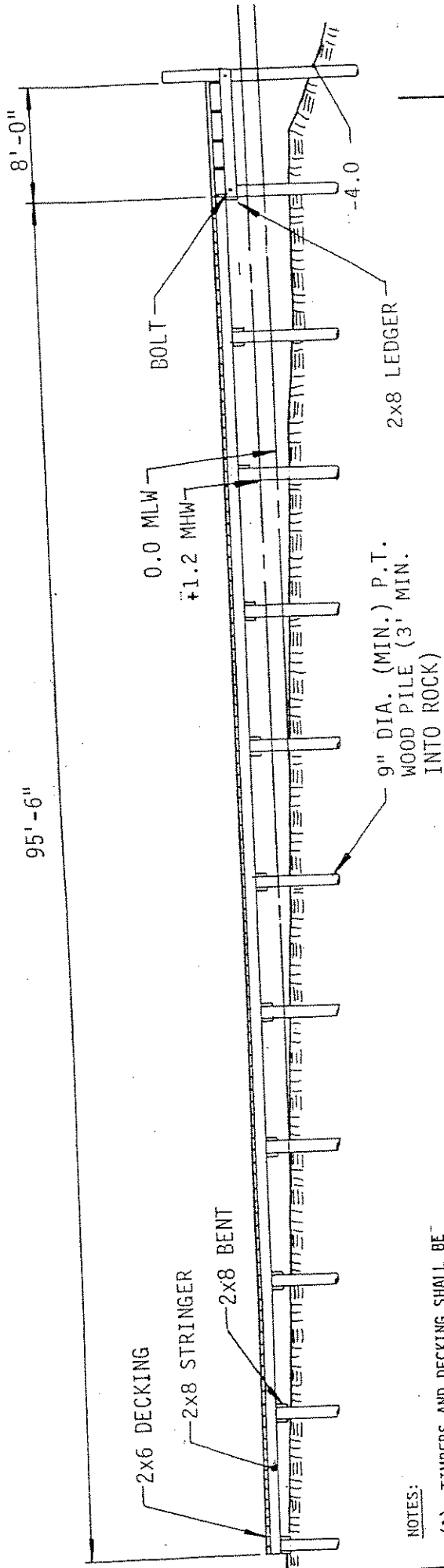


APPLICANT:
MARY TUCKER

PROJECT:
PILE-SUPPORTED DOCK

[Handwritten signature]
1-19-85





NOTES:

(1) TIMBERS AND DECKING SHALL BE .40 CCA PRESSURE TREATED. PILES SHALL BE 2.5 CCA PRESSURE TREATED.

PILES: 9" DIA. WOOD
STRINGERS: 2X8
BENTS: 2X8
DECKING: 2X6
DECK NAILS: 16d GALV.

(2) STRINGER AND BENTS SHALL BE THRU-BOLTED TO PILES AT ALL CONNECTION POINTS WITH 5/8" HOT DIPPED GALVANIZED BOLTS.

(3) PILES SHALL PENETRATE ROCK NOT LESS THAN 3 FT. PILES SHALL BE SPACED @ 10 FT. O.C. (MAX.)

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JAN 30 1995
SEA SOUTH POLICE

AGENT:

GLEN BOE & ASSOCIATES, INC.
P.O. BOX 523406
MARATHON SHORES, FL 33052-3406
(305) 743-9121

ELEVATION

SHEET 4 OF 4

SCALE: 3/32"=1'-0"

SCALE IN FEET

20

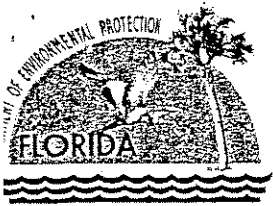
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APPLICANT:

MARY TUCKER

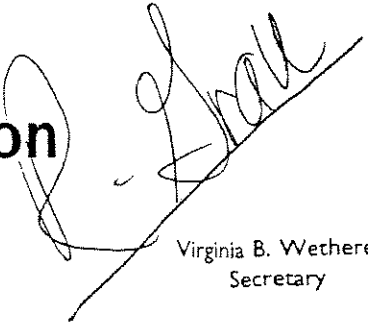
PROJECT:
PILE SUPPORTED DOCK



Lawton Chiles
Governor

Department of Environmental Protection

South District
2295 Victoria Avenue, Suite 364
Fort Myers, Florida 33901
AUGUST 21, 1995


Virginia B. Wetherell
Secretary

ATTACHMENT 7

Mr. Glen Boe
Glen Boe & Associates, Inc.
P. O. Box 523406
Marathon Shores, FL 33052-3406

File No: 442735005
Applicant: Mary Tucker

Dear Mr. Boe:

Ms. Mary Tucker is hereby authorized to proceed with the construction of a single-family dock as proposed in the Wetland Resource Exemption No. 442735005 dated July 28, 1995, showing the location in Monroe County, Section 29, Township 66 South, Range 28 East. This authorization is specifically conditioned upon the following:

1. Acceptance of and compliance with the attached General Consent Conditions.
2. Any waterborne craft moored at the dock, on either a permanent or temporary basis, is limited to vessels having a draft of not more than two (2) feet as measured to the lower portion of the propeller unit in order to prevent the prop scarring of the adjacent submerged bay bottom.

Please consider this the conditional authority sought under Section 253.77, Florida Statutes, to pursue this project. Additionally, your rights pursuant to Chapter 120, Florida Statutes are reflected in the attached notice.

This letter in no way waives the authority and/or jurisdiction of any government entity, nor does it disclaim any title interest that the State may have in this project site. Please check with your local government for specific requirements. Where local governments have standards, then the more stringent standards shall apply.

RECEIVED
AUG 23 1995

N O T I C E

To: Ms. Mary Tucker DATE: AUGUST 21, 1995
c/o Glen Boe & Associates, Inc.
P. O. Box 523406
Marathon Shores, FL 33052-3406

BOT File No. 442735005

The applicant (Lessee/Grantee) and any other person whose interest may be affected by this decision has the right to request an administrative hearing pursuant to Chapter 120, Florida Statutes. However, any request must be received by the Department no later than 21 days from the date of receipt of this notification and should be directed to:

Office of the General Counsel
Department of Environmental Protection
Mail Station 35, Twin Towers
2600 Blair Stone Road
Tallahassee, Florida 32399-2400.

This request for hearing must contain a petition setting forth the factual and legal grounds for contesting this decision. Upon receipt, the petition will be filed by the Department with the Division of Administrative Hearings and notification of all future proceedings will come from that agency.

Failure to request a hearing in a timely manner, and in the manner prescribed, will cause this decision to become final as to any person receiving notice, pursuant to Section 120.68, Florida Statutes, and Rules 9.030(b)(1)(c) and 9.110, Florida Rules of Appellate Procedure. To initiate an appeal of this order once it becomes final, a Notice of Appeal must be filed with the District Court of Appeal within 30 days of the filing of the Final Order with the Agency Clerk. A Notice of Appeal filed with the District Court of Appeal must be accompanied by the filing fee specified in Section 35.22(3), Florida Statutes.

Bureau of Submerged Lands and Preserves

RECEIVED
AUG 23 1995

D.E.P. Marathon, FL

PROJECT LOCATION

NOAA CHART NO. 11445

SCALE: 1:40,000

LAT: 24°39'53"

LONG: 81°29'53"

ADJOINING OWNERS

A.A. RAMELLI (lot 25)

RT. 6, BOX 424-E

SUMMERLAND KEY, FL 33042

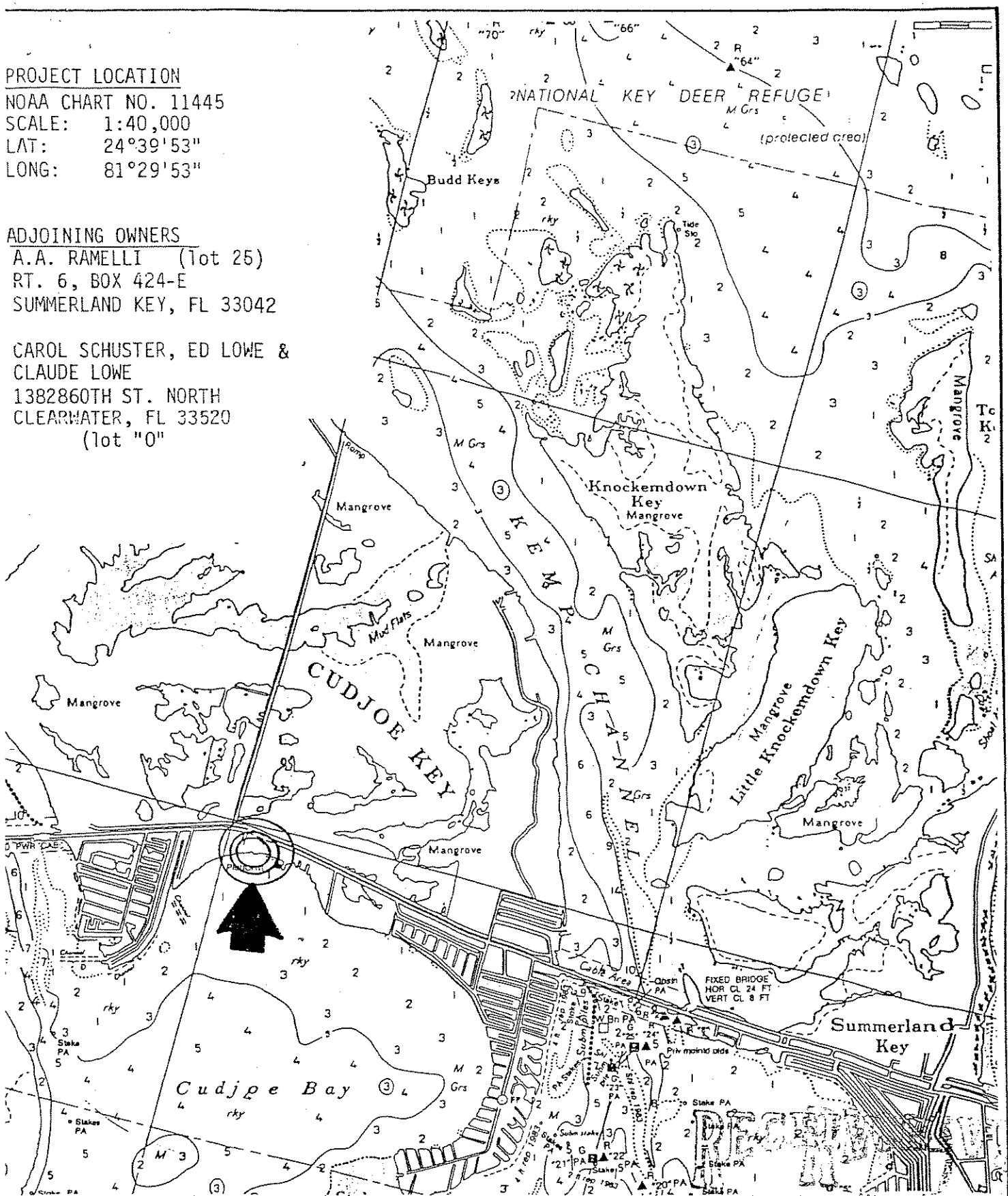
CAROL SCHUSTER, ED LOWE &

CLAUDE LOWE

1382860TH ST. NORTH

CLEARWATER, FL 33520

(lot "0")



PPPLICANT:
ARY TUCKER

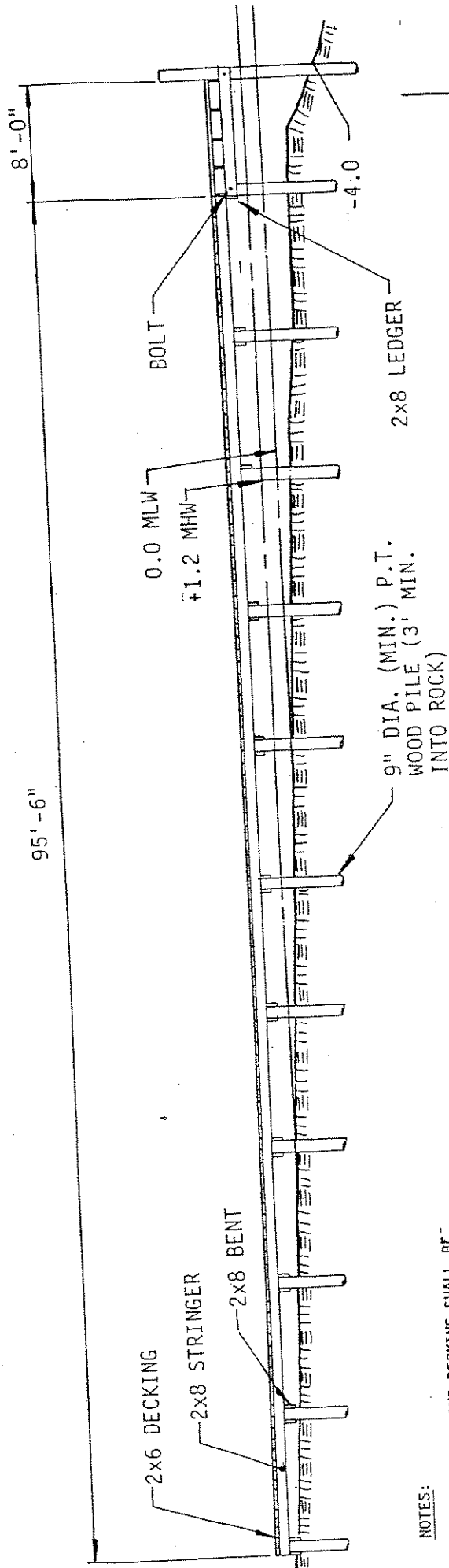
ROJECT:
ILE SUPPORTED DOCK

LOCATION & VICINITY
SHEET 1 OF 4

SCALE AS SHOWN

AGENT:

DEP. M. DEWINE
GLENDA & ASSOCIATES, INC.
P.O. BOX 523406
MARATHON SHORES, FL 33052-3406
(305) 743-9121



RECEIVED

AUG 23 1995

D.E.P. Marathon

RECEIVED

JUL 31 1995

Marathon, FL

NOTES:

(1) TIMBERS AND DECKING SHALL BE .40 CCA PRESSURE TREATED. PILES SHALL BE 2.5 CCA PRESSURE TREATED.

PILES: 9" DIA. WOOD
STRINGERS: 2x8
BENTS: 2x8
DECKING: 2x6
DECK NAILS: 16d GALV.

(2) STRINGER AND BENTS SHALL BE THRU-BOLTED TO PILES AT ALL CONNECTION POINTS WITH 5/8" HOT DIPPED GALVANIZED BOLTS.

(3) PILES SHALL PENETRATE ROCK NOT LESS THAN 3 FT. PILES SHALL BE SPACED @ 10 FT. O.C. (MAX.)

AGENT:

GLEN BOE & ASSOCIATES, INC.
P.O. BOX 523406
MARATHON SHORES, FL 33052-3406
(305) 743-9121

ELEVATION

SHEET 4 OF 4

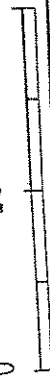
SCALE: 3/32"=1'-0"

SCALE IN FEET

20

10

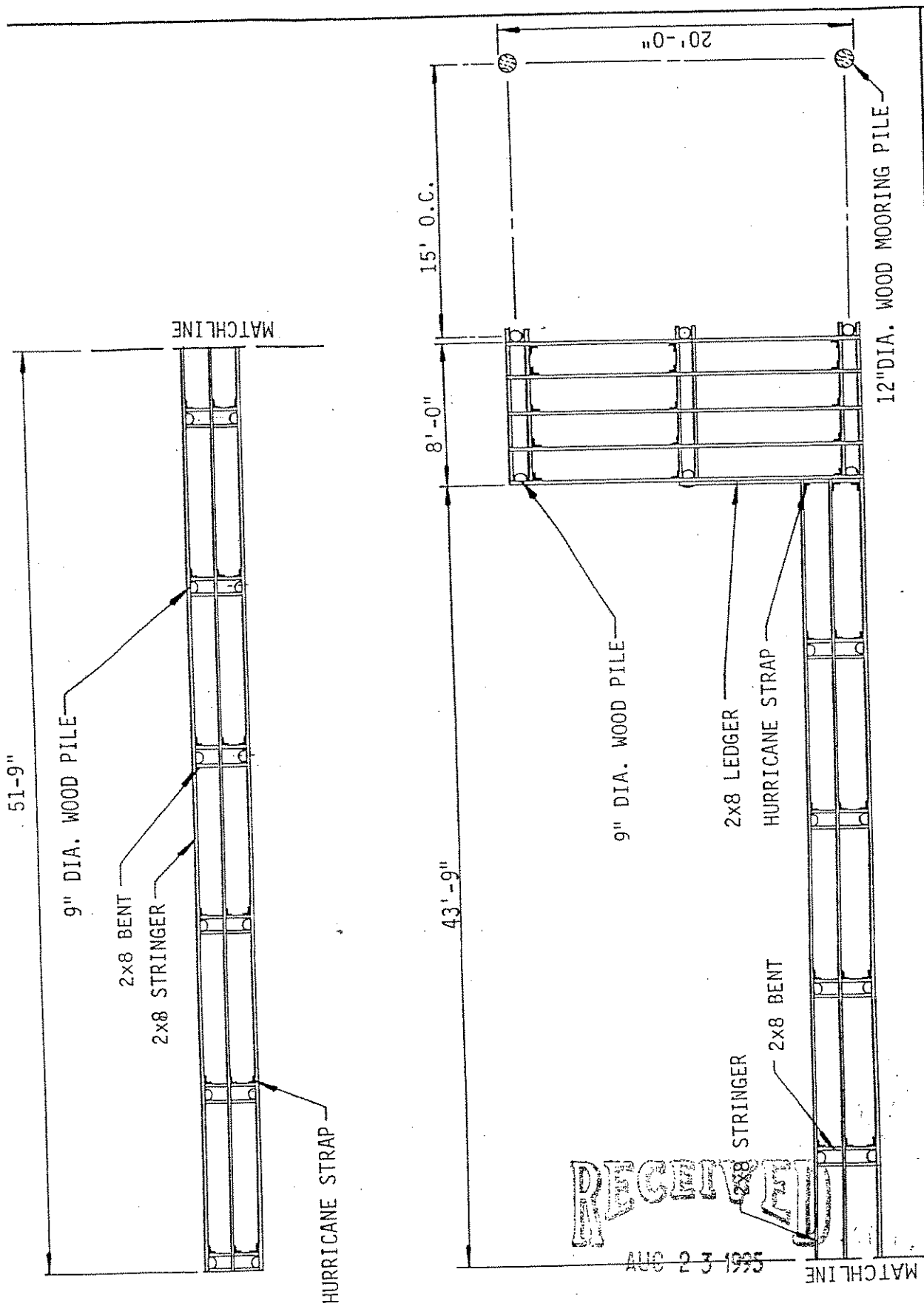
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APPLICANT:
MARY TUCKER

PROJECT:

PILE SUPPORTED DOCK



<p>APPLICANT: <u>MARY TUCKER</u></p> <p>PROJECT: <u>PILE-SUPPORTED DOCK</u></p>	<p>FRAMING PLAN</p> <p>SHEET 3 OF 4</p> <p>SCALE: 1/8" = 1'-0"</p> <p>SCALE IN FEET</p> <p>0 5 10</p>	<p>AGENT:</p> <p>GLEN BOE & ASSOCIATES, INC.</p> <p>P.O. BOX 523406</p> <p>MARATHON SHORES, FL 33052-3406</p> <p>(305) 743-9121</p>
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**CONDENSED APPLICATION FOR
EXEMPTIONS AND GP'S ONLY**

FORM #: 62-343,900 (1)
FORM TITLE: JOINT ENVIRONMENTAL
RESOURCE PERMIT APPLICATION
EFFECTIVE DATE:

ATTACHMENT 8



**JOINT APPLICATION FOR
ENVIRONMENTAL RESOURCE PERMIT/
AUTHORIZATION TO USE
STATE OWNED SUBMERGED LANDS/
FEDERAL DREDGE AND FILL PERMIT**

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MAY 19 2006

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION/
WATER MANAGEMENT DISTRICTS/
U.S. ARMY CORPS OF ENGINEERS

MAY 19 2006

FORM #: 62-343,900 (1)
FORM TITLE: JOINT ENVIRONMENTAL
RESOURCE PERMIT APPLICATION
EFFECTIVE DATE:

INSTRUCTIONS FOR JOINT APPLICATION FOR ENVIRONMENTAL RESOURCE PERMIT/ AUTHORIZATION TO USE STATE OWNED SUBMERGED LANDS/FEDERAL DREDGE AND FILL PERMIT

INTRODUCTION

Attached is a joint application for:

- 1) activities regulated under Part IV of Chapter 373, F.S.;
- 2) activities which require authorization to use state owned submerged lands; and
- 3) activities which require a federal dredge and fill permit.

Certain activities may qualify for an exemption. If an activity qualifies for an exemption, an application is not required, although the use of this application form is the most expeditious way for the agencies to make the determination that the activity qualifies for an exemption. Attachment 2 lists various regulated activities and the type of permit required for each activity. If you have any questions, please contact the staff of the nearest office of either the Florida Department of Environmental Protection (DEP) or a Water Management District (WMD).

PROCESSING AGENCY/DISTRICT SERVICE CENTERS

The Department of Environmental Protection ("Department" or "DEP") regulates some types of activities, and the Water Management Districts ("WMDs") regulate others. Attachment 1, DEP/WMD Permitting Responsibilities, specifies which activities are regulated by each agency. Environmental Resource Permit Applications shall be made to the appropriate District/Department office serving the area in which the activity is proposed. Attachment 4 designates the appropriate agency office for each geographic area.

COPIES/APPLICATION FEES

Submit an original signed application form plus four copies of the form, and five complete sets of all the requested drawings and other information to the appropriate DEP or WMD office. Submit the appropriate fee with your application. Application fees are listed in Attachment 3.

DISTRIBUTION TO THE U.S. ARMY CORPS OF ENGINEERS

When activities are proposed in, on or over wetlands or other surface waters, a portion of the application (Section A and Section C, with the associated drawings) will be forwarded to the Army Corps of Engineers (ACOE) by the reviewing agency. The ACOE will advise you of any additional information that may be required to complete your federal dredge and fill permit application. It is not necessary for the applicant to submit a separate application to the ACOE. The information requested in this application form may be more than required to make a complete application to the ACOE. However, it is useful and may be essential for subsequent evaluation. Reducing unnecessary paperwork and delays is a continuing goal of the ACOE.

DISTRIBUTION TO THE DEP FOR STATE LAND APPROVAL

If the applicant checks the box to request authorization to use sovereign submerged lands, the Department will begin processing the request for sovereign submerged lands approval. Additionally, if at any time during the processing of the application, it appears that the proposed activities may take place on sovereign submerged lands, the Department will initiate a review for the authorization to use such lands. For an explanation of sovereign submerged lands approval see Attachment 5.

NOTE: The information listed in Sections B, D, E, and F of this application package is not intended to be all-inclusive. Additional information may be requested by the reviewing agency in order to complete your application.

ORG CODE: 3740-2010-0000
EO: G1
OBJ: 002256

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DATE: October 3, 1995

SECTION A

FOR AGENCY USE ONLY

ACOE Application # _____ DEP/WMD Application # _____
Date Application Received _____ Date Application Received _____
Proposed Project Lat. _____ Fee Received \$ _____
Proposed Project Long. _____ Fee Receipt # _____

PART 1:

Are any of the activities described in this application proposed to occur in, on, or over wetlands or other surface waters? ☐ Yes ☐ No

Is this application being filed by or on behalf of a government entity or drainage district? ☐ Yes ☐ No

PART 2:

A. Type of Environmental Resource Permit Requested (check at least one). See Attachment 2 for thresholds and descriptions.

- ☐ Noticed General - include information requested in Section B.
- ☐ Standard General (Single Family Dwelling) - include information requested in Sections C and D.
- ☐ Standard General (all other Standard General projects) - include information requested in Sections C and E.
- ☐ Individual (Single Family Dwelling) - include information requested in Sections C and D.
- ☐ Individual (all other Individual projects) - include information requested in Sections C and E.
- ☐ Conceptual - include information requested in Sections C and E.
- ☐ Mitigation Bank Permit (construction) - include information requested in Section C and F.
(If the proposed mitigation bank involves the construction of a surface water management system requiring another permit defined above, check the appropriate box and submit the information requested by the applicable section.)
- ☐ Mitigation Bank (conceptual) - include information requested in Section C and F.

B. Type of activity for which you are applying (check at least one)

- ☐ Construction or operation of a new system, other than a solid waste facility, including dredging or filling in, on or over wetlands and other surface waters.
- ☐ Construction, expansion or modification of a solid waste facility.
- ☐ Alteration or operation of an existing system which was not previously permitted by a WMD or DEP.
- ☐ Modification of a system previously permitted by a WMD or DEP. Provide previous permit numbers. _____
 - ☐ Alteration of a system ☐ Extension of permit duration ☐ Abandonment of a system
 - ☐ Construction of additional phases of a system ☐ Removal of a system

C. Are you requesting authorization to use Sovereign Submerged Lands. ☐ Yes ☒ No
(See Section G and Attachment 5 for more information before answering this question.)

D. For activities in, on or over wetlands or other surface waters, check type of federal dredge and fill permit requested:
☐ Individual ☐ Programmatic General ☐ General ☐ Nationwide ☐ Not Applicable

E. Are you claiming to qualify for an exemption? ☐ Yes ☒ No
If yes, provide rule number if known. _____

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PART 3:

A. OWNER(S) OF LAND

NAME

MARY TUCKER

TITLE AND COMPANY

ADDRESS

21544 Overseas Hwy

CITY, STATE, ZIP

Cudjoe Key, FL 33042

TELEPHONE AND FAX

305 745-2543

B. ENTITY TO RECEIVE PERMIT (IF OTHER THAN OWNER)

NAME

TITLE AND COMPANY

ADDRESS

CITY, STATE, ZIP

TELEPHONE AND FAX

C. AGENT AUTHORIZED TO SECURE PERMIT

NAME

TITLE AND COMPANY

ADDRESS

CITY, STATE, ZIP

TELEPHONE AND FAX

D. CONSULTANT (IF DIFFERENT FROM AGENT)

NAME

TITLE AND COMPANY

ADDRESS

CITY, STATE, ZIP

TELEPHONE AND FAX

PART 4 (Please provide metric equivalent for federally funded projects):

- A. Name of project, including phase if applicable: Repair Storm-Damaged PILING
- B. Is this application for part of a multi-phase project? ☐ Yes ☒ No
- C. Total applicant-owned area contiguous to the project: _____ ac.; _____ ha.
- D. Total area served by the system: 25 ac.; _____ ha.
- E. Impervious area for which a permit is sought: _____ ac.; _____ ha.
- F. Volume of water that the system is capable of impounding: _____ ac. ft.; _____ m³
- G. What is the total area of work in, on, or over wetlands or other surface waters?
_____ ac.; _____ ha. _____ sq. ft.; _____ sq. m.
- H. Total volume of material to be dredged: _____ yd³; _____ m³
- I. Number of new boat slips proposed: _____ wet slips; _____ dry slips

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PART 5:

Project location (use additional sheets, if needed):

County(ies) MONROE

Section(s) 29 Township 66 Range 28

Section(s) _____ Township _____ Range _____

Section(s) _____ Township _____ Range _____

Land Grant name, if applicable _____

Tax Parcel Identification Number _____

Street address, road, or other location _____

City, Zip Code if applicable _____

PART 6: Describe in general terms the proposed project, system, or activity.

REPAIR STORM-DAMAGED TILINGS

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PART 7:

A. If there have been any pre-application meetings, including on-site meetings, with regulatory staff, please list the date(s), location(s), and names of key staff and project representatives.

B. Please identify by number any MSSW/Wetland resource/ERP/ACOE Permits pending, issued or denied for projects at the location, and any related enforcement actions.

Agency	Date	No./Type of Application	Action Taken
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

C. Note: The following information is required for projects proposed to occur in, on or over wetlands that need a federal dredge and fill permit or an authorization to use state owned submerged lands. Please provide the names, addresses and zip codes of property owners whose property directly adjoins the project (excluding applicant) and/or (for proprietary authorizations) is located within a 500 ft. radius of the applicant's land. Please attach a plan view showing the owner's names and adjoining property lines. Attach additional sheets if necessary.

1. _____ _____ _____	2. _____ _____ _____
3. _____ _____ _____	4. _____ _____ _____
5. _____ _____ _____	6. _____ _____ _____
7. _____ _____ _____	8. _____ _____ _____

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PART 8:

A. By signing this application form, I am applying, or I am applying on behalf of the applicant, for the permit and any proprietary authorizations identified above, according to the supporting data and other incidental information filed with this application. I am familiar with the information contained in this application and represent that such information is true, complete and accurate. I understand this is an application and not a permit, and that work prior to approval is a violation. I understand that this application and any permit issued or proprietary authorization issued pursuant thereto, does not relieve me of any obligation for obtaining any other required federal, state, water management district or local permit prior to commencement of construction. I agree, or I agree on behalf of the applicant, to operate and maintain the permitted system unless the permitting agency authorizes transfer of the permit to a responsible operation entity. I understand that knowingly making any false statement or representation in this application is a violation of Section 373.430, F.S. and 18 U.S.C. Section 1001.

MARY TUCKER

Typed/Printed Name of Applicant (If no Agent is used) or Agent (If one is so authorized below)

Mary Tucker

Signature of Applicant/Agent

5/19/06

Date

(Corporate Title if applicable)

AN AGENT MAY SIGN ABOVE ONLY IF THE APPLICANT COMPLETES THE FOLLOWING:

B. I hereby designate and authorize the agent listed above to act on my behalf, or on behalf of my corporation, as the agent in the processing of this application for the permit and/or proprietary authorization indicated above; and to furnish, on request, supplemental information in support of the application. In addition, I authorize the above-listed agent to bind me, or my corporation, to perform any requirement which may be necessary to procure the permit or authorization indicated above. I understand that knowingly making any false statement or representation in this application is a violation of Section 373.430, F.S. and 18 U.S.C. Section 1001.

Typed/Printed Name of Applicant

Signature of Applicant

Date

(Corporate Title if applicable)

Please note: The applicant's original signature (not a copy) is required above.

PERSON AUTHORIZING ACCESS TO THE PROPERTY MUST COMPLETE THE FOLLOWING:

C. I either own the property described in this application or I have legal authority to allow access to the property, and I consent, after receiving prior notification, to any site visit on the property by agents or personnel from the Department of Environmental Protection, the Water Management District and the U.S. Army Corps of Engineers necessary for the review and inspection of the proposed project specified in this application. I authorize these agents or personnel to enter the property as many times as may be necessary to make such review and inspection. Further, I agree to provide entry to the project site for such agents or personnel to monitor permitted work if a permit is granted.

Typed/Printed Name

Signature

Date

(Corporate Title if applicable)

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SECTION B
INFORMATION FOR NOTICED
GENERAL ENVIRONMENTAL RESOURCE PERMITS

INSTRUCTIONS: To qualify for a Noticed General Permit (NGP) for specific activities, the project must strictly comply with all of the terms, conditions, requirements, limitations and restrictions applicable to the desired NGP. A summary of the types of NGP's available is contained in Attachment 2. Carefully review the rule section of the NGP for which you are applying to ensure that your project meets the requirements of that NGP. Please complete Section A and submit it along with the information required in this Section (on 8 1/2" x 11" paper).

1. Indicate the project boundaries on a USGS quad map, reduced or enlarged as necessary to legibly show the entire project. If not apparent from the quad map, provide a location map (in sufficient detail to allow a person unfamiliar with the site to find it), containing a north arrow and a graphic scale and showing the boundary of the proposed activity and Section(s), Township(s), and Range(s).
2. A legible site plan showing the following features:
 - a) property boundaries and dimensions
 - b) name and location of any adjoining public streets or roads
 - c) location and dimensions of all existing structures
 - d) label all impervious and pervious area and indicate their size (area)
 - e) the direction of drainage relative to the proposed improvements (using arrows)
 - f) locations of all proposed works
 - g) permanent and temporary erosion, sedimentation and turbidity controls
 - h) boundaries of wetlands and other surface waters, identifying open water areas
 - i) boundary area and volume of all temporary and permanent earthwork, including pre and post construction grades
3. Description of wetland or aquatic habitat .
4. Construction methods and schedule.
5. Additional information that would show that you qualify for the general permit, addressing all the parameters, thresholds and conditions required in the general permit. Errors and omissions will be identified within 30 days by the processing agency.
6. Provide the rule section number of the NGP for which you are applying.
7. The construction plans and supporting calculations must be signed, sealed, and dated by an appropriate registered professional as required by the relevant statutory provisions when the design of the system requires the services of an appropriate registered professional.

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SECTION G

Application for Authorization to use Sovereign Submerged Lands

Part I: Sovereign Submerged Lands title information (see Attachment 5 for an explanation). Please read and answer the applicable questions listed below:

- A. I have a sovereign submerged lands title determination from the Division of State Lands which indicates that the proposed project is NOT ON sovereign submerged lands (Please attach a copy of the title determination to the application). Yes ☐ No ☐
- If you answered Yes to Question A and you have attached a copy of the Division of State Lands Title Determination to this application, you do not have to answer any other questions under Part I or II of Section G.
- B. I have a sovereign submerged lands title determination from the Division of State Lands which indicates that the proposed project is ON sovereign submerged lands (Please attach a copy of the title determination to the application). Yes ☐ No ☐
- If you answered yes to question B please provide the information requested in Part II. Your application will be deemed incomplete until the requested information is submitted.
- C. I am not sure if the proposed project is on sovereign submerged lands (please check here). ☐
- If you have checked this box department staff will request that the Division of State Lands conduct a title determination. If the title determination indicates that the proposed project or portions of the project are located on sovereign submerged lands you will be required to submit the information requested in Part II of this application. The application will be deemed incomplete until the requested information is submitted.
- D. I am not sure if the proposed project is on sovereign submerged lands and I DO NOT WISH to contest the Department's findings (please check here). ☐
- If you have checked this box refer to Part II of this application and provide the requested information. The application will be deemed incomplete until the requested information is submitted.

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E. It is my position that the proposed project is NOT on sovereign submerged lands (please check here).

- If you have evidence that indicates that the proposed project is not on sovereign submerged lands please attach the documentation to the application. If the Division of State Lands title determination indicates that your proposed project or portion of your proposed project are on sovereign submerged lands you will be required to provide the information requested in Part II of this application.

F. If you wish to contest the findings of the title determination conducted by the Division of State Lands please contact the Department of Environmental Protection's Office of General Counsel. Your proposed project will be deemed incomplete until either the information requested in Part II is submitted or a legal ruling indicates that the proposed project is not on sovereign submerged lands.

Part II: If you were referred to this section by Part I, please provide this additional information. Please note that if your proposed project is on sovereign submerged lands and the below requested information is not provided, your application will be considered incomplete.

- A. Provide evidence of title to the subject riparian upland property in the form of a recorded deed, title insurance, legal opinion of title, or a long-term lease which specifically includes riparian rights. Evidence submitted must demonstrate that the applicant has sufficient title interest in the riparian upland property.
- B. Provide a detailed statement describing the existing and proposed upland uses and activities. For commercial uses, indicate the specific type of activity, such as marina, ship repair, dry storage (including the number of storage spaces), commercial fishing/ seafood processing, fish camp, hotel, motel resort restaurant, office complex, manufacturing operation, etc.

For rental operations, such as trailer or recreational vehicle parks and apartment complexes, indicate the number of wet slip units/spaces available for rent or lease and describe operational details (e.g., are spaces rented on a month-to-month basis or through annual leases).

For multi-family residential developments, such as condominiums, townhomes, or subdivisions, provide the number of living units/ lots and indicate whether or not the common property (including the riparian upland property) is or will be under the control of a homeowners association.

For projects sponsored by a local government, indicate whether or not the facilities will be open to the general public. Provide a breakdown of any fees that will be assessed, and indicate whether or not such fees will generate revenue or will simply cover costs associated with maintaining the facilities.

- C. Provide a detailed statement describing the existing and proposed activities located on or over the sovereign submerged lands at the project site. This statement must include a description of docks and piers, types of vessels (e.g., commercial fishing, liveaboards, cruise ships, tour boats), length and draft of vessels, sewage pumpout facilities, fueling facilities, boat hoists, boat ramps, travel lifts, railways, and any other structures or activities existing or proposed to be located waterward of the mean/ordinary high water line.

If slips are existing and/or proposed, please indicate the number of powerboat slips and sailboat slips and the percentage of those slips available to the general public on a "first come, first served" basis. This statement must include a description of channels, borrow sites, bridges, groins, jetties, pipelines or other utility crossings, and any other structures or activities existing or proposed to be located waterward of the mean/ordinary high water line. For shoreline stabilization activities, this statement must include a description of seawalls, bulkheads, riprap, filling activities, and any other structures or activities existing or proposed to be located along the shoreline.

- D. Provide the linear footage of shoreline at the mean/ordinary high water line owned by the applicant which borders sovereign submerged lands.
- E. Provide a recent aerial photo of the area. A scale of 1" = 200' is preferred. Photos are generally available at minimal cost from your local government property appraiser's office or from district Department of Transportation offices. Indicate on the photo the specific location of your property/ project site.

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PROPRIETARY PROJECT DESCRIPTIONS

Please check the most applicable activity which applies to your project(s):

Leases

- ☐ Commercial marinas (renting wet slips) including condos, etc., if 50% or more of their wet slips are available to the general public
- ☐ Public/Local governments
- ☐ Yacht Clubs/Country Clubs (when a membership is required)
- ☐ Multi-family/but upland revenue generating (housing developments, trailer parks, apartments)
- ☐ Condominiums (requires upland ownership)
- ☐ Commercial Uplands Activity (temporary docking and/or fishing pier associated with upland revenue generating activities, i.e., restaurants, hotels, motels) for use of the customer at no charge
- ☐ Miscellaneous Commercial Upland Enterprises where there is a charge associated with the use of the overwater structure (Charter Boats, Tour Boats, Fishing Piers)
- ☐ Ship Building/Boat Repair Service Facilities
- ☐ Commercial Fishing Related (Offloading, Seafood Processing)
- ☐ Private Single-family Residential Docking Facilities; Townhome Docking Facilities; Subdivision Docking Facilities (upland lots privately owned)

Public Easements & Use Agreements

- ☐ Miscellaneous Public Easements and Use Agreements
- ☐ Bridge Right-of-way (DOT, local government)
- ☐ Breakwater or Groin
- ☐ Subaqueous Utility Cable (TV, telephone, electrical)
- ☐ Subaqueous Outfall or Intake
- ☐ Subaqueous Utility Water/Sewer
- ☐ Overhead Utility w/Support Structure on Sovereign Submerged Lands
- ☐ Disposal Site for Dredged Material
- ☐ Pipeline (gas)
- ☐ Borrow Site

Private Easements

- ☐ Miscellaneous Private Easements
- ☐ Bridge Right-of-way
- ☐ Breakwater or Groin
- ☐ Subaqueous Utility Cable (TV, telephone, electrical)
- ☐ Subaqueous Outfall or Intake
- ☐ Subaqueous Utility Water/Sewer
- ☐ Overhead Utility Crossing
- ☐ Disposal Site for Dredged Material
- ☐ Pipeline (gas)

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Consents of Use

- _____ Aerial Utility Crossing w/no support structures on sovereign submerged lands
- _____ Private Dock
- _____ Public Dock
- _____ Multi-family Dock
- _____ Fishing Pier (Private or Multi-family)
- _____ Private Boat Ramp
- _____ Sea Wall
- _____ Dredge
- _____ Maintenance Dredge
- _____ Navigation Aids/Markers
- _____ Artificial Reef
- _____ Riprap
- _____ Public Boat Ramp
- _____ Public Fishing Pier
- _____ Repair/Replace Existing Public Fishing Pier
- _____ Repair/Replace Existing Private Dock
- _____ Repair/Replace Existing Public Dock
- _____ Repair/Replace Existing Multi-family dock
- _____ Repair/Replace Existing Fishing Pier (Private or Multi-family)
- _____ Repair/Replace Existing Private Boat Ramp
- _____ Repair/Replace Existing Sea Wall, Revetments or Bulkheads
- _____ Repair/Replace/Modify structures/activities within an existing lease, easement,
management agreement or use agreement area or repair/replace existing
grandfathered structures
- _____ Repair/Replace Existing Public Boat Ramp

Miscellaneous

- _____ Biscayne Bay Letters of Consistency/Inconsistency w/258.397, F.S.
- _____ Management Agreements - Submerged Lands
- _____ Reclamation
- _____ Purchase of Filled, Formerly Submerged Lands
- _____ Purchase of Reclaimed Lake Bottoms
- _____ Treasure Salvage
- _____ Insect Control Structures/Swales
- _____ Miscellaneous projects which do not fall within the activity codes listed
above

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Attachment 3 to Instructions for Joint Application
Permit Application Processing Fees For DEP
(Note - fees may be different if application is processed by a WMD)

D. For a Noticed General Permit \$100.00

REC'D

MAY 19 2006

PENSACOLA REGULATORY OFFICE
CESAJ-RD-NC-P
Suite 212, 700 S. Palafox
Pensacola, Florida 32501-3794
Telephone: 904/433-3510

PANAMA CITY REGULATORY FIELD OFFICE
CESAJ-RD-NC
Suite 201, 475 Harrison Avenue
Panama City, Florida 32401-2723
Telephone: 904/763-6717

CRYSTAL RIVER REGULATORY OFFICE
CESAJ-RD-NR
P.O. Box 387
Crystal River, Florida 32628-0387
Telephone: 904/793-1070

TAMPA REGULATORY FIELD OFFICE
CESAJ-RD-WT
P.O. Box 18247
Tampa, Florida 33608-9247
Telephone: 813/840-2808

FT. MYERS REGULATORY OFFICE
CESAJ-RD-WF
1000 S. Franklin Lock Rd.
Ave., Florida 33920
Telephone: 813/884-3438

MARATHON REGULATORY OFFICE
CESAJ-RD-SM-M
P.O. Box 1236
Marathon Shores, Florida 33052-3236
Telephone: 305/743-5348

JACKSONVILLE DISTRICT OFFICE
CESAJ-RD
P.O. Box 4976
Jacksonville, Florida 32202-0018
Telephone: 904/233-1065

PALATKA REGULATORY OFFICE
CESAJ-RD-NP
P.O. Box 1317
Palatka, Florida 32978-1317
Telephone: 904/325-2028

MEARITT ISLAND REGULATORY OFFICE
CESAJ-RD-AM
2460 Courtney Square Blvd.
Courtney Square Bldg., Suite 210
Merritt Island, Florida 32952-4101
Telephone: 407/453-7655

VERO BEACH
REGULATORY FIELD OFFICE
CESAJ-RD-AV
2001 9th Ave., Suite 212C
Vero Beach, Florida 32980
Telephone: 407/587-1496

MIAMI REGULATORY FIELD OFFICE
CESAJ-RD-SM
P.O. Box 83-0966
Miami, Florida 33283-0066
Telephone: 305/520-7191



US Army Corps
of Engineers
Jacksonville District

REGULATORY OFFICES

PLEASE CONTACT ONE OF THESE OFFICES IF
YOU HAVE QUESTIONS ABOUT YOUR FEDERAL
DREDGE AND FILL PERMIT APPLICATION.

PLEASE SUBMIT YOUR ORIGINAL APPLICATION TO THE DEPARTMENT OF THE ARMY
WATER MANAGEMENT DISTRICT

January 1995

SECTION D

FORM # 62-343,900 (1)
FORM TITLE: JOINT ENVIRONMENTAL
RESOURCE PERMIT APPLICATION
DATE: October 3, 1996

INFORMATION REQUIRED FOR STANDARD GENERAL OR INDIVIDUAL ENVIRONMENTAL RESOURCE PERMIT APPLICATIONS RELATED TO A SINGLE FAMILY DWELLING UNIT

Complete this Section only if your project does not qualify for an exemption or noticed general permit. The information requested below is only for projects related to an individual, single family dwelling unit, duplex, triplex, or quadraplex which is not part of a larger common plan of development proposed by the applicant. Please contact the local office of the DEP or WMD if you are unsure whether your project would fit this description.

PLEASE SUBMIT ALL INFORMATION ON 8 1/2" by 11" PAPER

A. SITE INFORMATION

1. Directions: Provide written directions to the property.
2. Specify how the location of the proposed work is marked on site: for example, the center line of the road is flagged, string running between stakes identifies bulkhead location, etc.

B. DRAWINGS

Drawings should be of sufficient detail to clearly show the existing physical conditions of the site, and the extent, type, and location of the proposed activities. The drawings should clearly show waters/wetlands to be impacted, either temporarily or permanently. Any water/wetland areas proposed to be created, enhanced, restored, preserved, or which will remain undisturbed should be clearly identified and labeled. The following drawings are required:

1. PLAN VIEW (TOP VIEW)

This shows the work as viewed from above. A survey of the project site is very useful as a starting point for preparing plan views of the project. Include the following:

- a. Applicant name, property line, north arrow and graphic scale or dimensions of proposed work on each drawing sheet.
- b. Representative land elevations (spot elevations or contour lines) referred to National Geodetic Vertical Datum (NGVD), as is used on the U.S.G.S. contour maps.
- c. The limits of wetlands and other surface waters and the limits of open water areas in the vicinity of the proposed work. Describe how the wetland limits were determined. If there has ever been a jurisdictional declaratory statement, a formal wetland determination, a formal determination, validated informal determination, or a revalidated jurisdictional determination, provide the identifying number.

- d. All proposed work, including dredging, filling or structures. Where possible, differentiate between work in open water, marshes, swamps, or tidal flats and uplands.
 - e. Show selected water depths in and adjacent to the project site. For dock projects, show water depths at all mooring sites. These depths should be determined at approximate mean low water (MLW) or seasonal low water. Include the approximate tidal range (the difference between approximate mean high water (MHW) elevation and approximate MLW elevation) if the project is in a tidal waterbody.
 - f. Label all existing structures in wetlands or other surface waters at or adjacent to the proposed activity, such as docks, bulkheads, riprap, or buildings.
 - g. If dredging or dewatering is involved, show the location of proposed disposal or containment sites. Include any levees, control structures or other methods for retaining or detaining return water. Also include locations of discharge sites where appropriate. (Note that a consumptive or water use permit may be required for dewatering.)
 - h. For piling supported structures over wetlands or other surface waters, show the entire structure. Indicate the location of any aquatic vegetation in the vicinity of the proposed structure.
 - i. Show distance between the most waterward point of the proposed facility and the nearest edge of any navigation channel, where appropriate. If the project is on a waterway that has a federally maintained channel, a survey may be required to establish the distance from the waterward points of the structure to the near edge of the federal channel. Also indicate the width of the waterway.
 - j. Clearly show the locations of all corresponding cross-sectional or profile views on the plan view drawings.
2. CROSS-SECTIONAL AND PROFILE VIEWS

The cross-sectional view should show a "cut-away" end or middle view of the project, while the profile view should show a side view as if cut length-wise. All drawings should include:

- a. Applicant name and graphic horizontal and vertical scales or dimensions of the proposed work on each drawing sheet.

- b. Show approximate mean or seasonal (high and low) water line elevations referenced to NGVD.

C. PROJECT DETAILS

Provide a detailed description of the proposed project, including the following:

1. The type of activity that is proposed, how the activity will be conducted, construction techniques and sequencing, including equipment to be used, and methods for moving the equipment to and from the site. For projects that involve any dredging or excavation, describe the method of excavation, the type of material to be excavated, and the disposal location for the excavated material. State whether dredged material is to be placed (either temporarily or permanently) in a wetland or other surface water. Indicate the time period any temporary structures will be in place.
2. The acreage (or square footage) of excavation and fill and differentiate between temporary and permanent work.
3. Methods for controlling turbidity (muddy water caused by erosion or work in the water).
4. Methods for stabilizing any slopes that will be created or disturbed during construction, including times expected to elapse before stabilization is performed. Describe both temporary and permanent stabilization methods, such as staked hay bales, temporary grass seed, and permanent sod.
5. If pilings or a seawall are to be installed state whether pilings and seawall slabs are to be installed by jetting or driving.
6. For fill projects, describe the source and type of fill material to be used. For activities that involve the installation of riprap, describe the source, type and size of the rocks, concrete, or other material to be used for the riprap, and how these materials are to be placed. State whether the rocks will be underlain with filter cloth.

MAY 19 2000

BUILDING APPROVED
SUBJECT TO FLORIDA BUILDING CODE

HK 1/23/06

LOT 25

312.5'± TO APPROX. MHW LINE

280' PLAT

CONC.
PATIO

CBS RESID.

SCREEN
PORCH

SLAG CONC.

LOT "O"

BOAT
BASIN

APPROX. MHW LINE

RECORD SHORELINE

PROPOSED WOOD DOCK

PROPOSED MOORING PILES

SACARMA BAY

LOT 23

NORTH

U. DIS: SR PAGE 450

LAN AREA: LY BY: YD DATE 5-8-95

PLANNING REQUIREMENTS app

BY On. T. Evans DATE 5/9/95

APPROVED
MONROE COUNTY
BUILDING DEPARTMENT

APPLICANT:
MARY TUCKER

PROJECT:
PILE-SUPPORTED DOCK

SITE PLAN

SHEET 2 OF 4
SCALE: 1"=40'
SCALE IN FEET

0 40 80

AGENT:

GLEN BOE & ASSOCIATES, INC.
P.O. BOX 523406
MARATHON SHORES, FL 33052-3406
(305) 743-9121

51'-9"

9" DIA. WOOD PILE

2x8 BENT

2x8 STRINGER

MATCHLINE

HURRICANE STRAP

43'-9"

8'-0"

15' O.C.

9" DIA. WOOD PILE

2x8 STRINGER

2x8 BENT

2x8 LEDGER

HURRICANE STRAP

APPROVED
MONROE COUNTY
BUILDING DEPARTMENT

20'-0"

12" DIA. WOOD MOORING PILE

APPLICANT:
MARY TUCKER

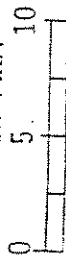
PROJECT:
PILE-SUPPORTED DOCK

FRAMING PLAN

SHEET 3 OF 4

SCALE: 1/8" = 1'-0"

SCALE IN FEET



AGENT:

GLEN BOE & ASSOCIATES, INC.
P.O. BOX 523406
MARATHON SHORES, FL 33052-3406
(305) 743-9121

95'-6"

8'-0"

2x6 DECKING

2x8 STRINGER

2x8 BENT

0.0 MLW

±1.2 MHW

BOLT

NOTES:

(1) TIMBERS AND DECKING SHALL BE .40 CCA PRESSURE TREATED. PILES SHALL BE 2.5 CCA PRESSURE TREATED.

PILES: 9" DIA. WOOD
STRINGERS: 2x8
BENTS: 2x8
DECKING: 2x6
DECK NAILS: 16d GALV.

(2) STRINGER AND BENTS SHALL BE THRU-BOLTED TO PILES AT ALL CONNECTION POINTS WITH 5/8" HOT DIPPED GALVANIZED BOLTS.

(3) PILES SHALL PENETRATE ROCK NOT LESS THAN 3 FT. PILES SHALL BE SPACED @ 10 FT. O.C. (MAX.)

9" DIA. (MIN.) P.T.
WOOD PILE (3' MIN.
INTO ROCK)

APPROVED
MONROE COUNTY BUILDING DEPT.
[Signature]
Plans Examiner/Sr. Inspector

Date

5-8-95

2x8 LEDGER

-4:0

APPLICANT:
MARY TUCKER

PROJECT:
PILE SUPPORTED DOCK

ELEVATION

SHEET 4 OF 4
SCALE: 3/32"=1'-0"

SCALE IN FEET

0

10

20

AGENT:

GLEN BOE & ASSOCIATES, INC.
P.O. BOX 523406
MARATHON SHORES, FL 33052-3406
(305) 743-9121

Applicant: Mary Tucker

Project: Pile-Supported Dock with Mooring Piles

REMARKS

The applicant owns a waterfront residence at Cudjoe Key. She seeks authorization to install a pile-supported dock and two mooring piles. The purpose of the project is to provide boating access to the property.

Construction will proceed by installing all of the necessary piles. Piles near shore will be installed by a land-based crane/driver. Those that cannot be reached from the land will be installed by barge-mounted equipment. Piles will be placed in augered or punched holes and driven to refusal. Bents will be bolted to the dock support piles. Stringers and decking will be added to complete the project.

Prior to any construction activities, turbidity curtains will be deployed to isolate the construction site from ambient waters. These will remain in place until all construction-induced turbidity has subsided.

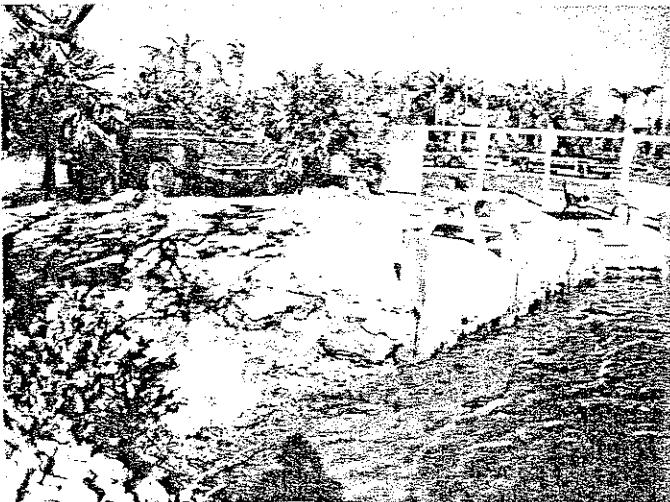
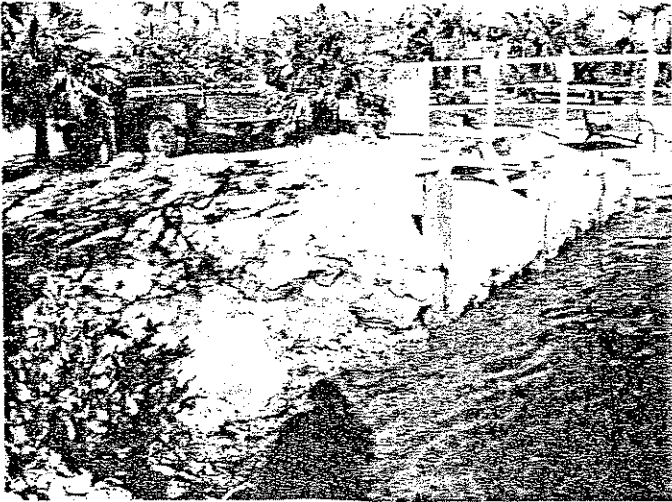
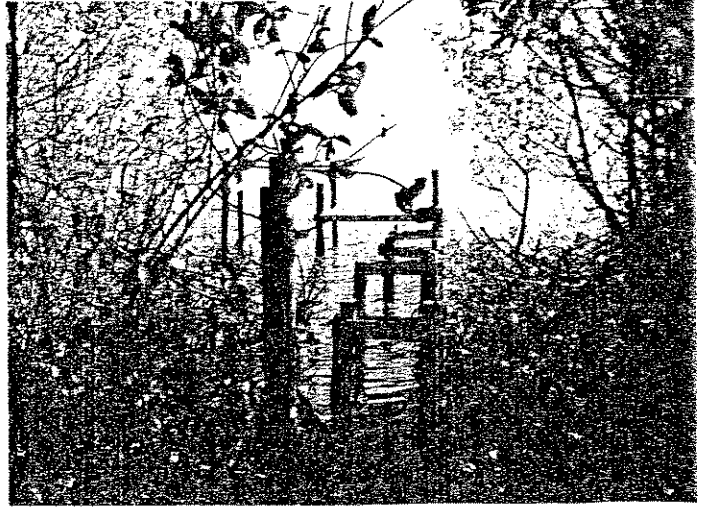
After the piles have been installed, the remainder of the construction activities will be conducted from the land with the aid of a work boat. The piles that will be installed from the barge will be barged to the site. All other construction materials will be trucked to the site over existing roads and the applicant's property.

LEGAL DESCRIPTION:

Part of Lot 24, Sacarma Subdivision, Cudjoe Key, as recorded in Plat Boopk 2, Page 48, Monroe County Public Records.



FILE
061-0334



ATTACHMENT 9A

Adjacent Property Owner Mailing Labels

ATTACHMENT 9B

Property Records for Tucker's and All Adjacent Parcels

PROPERTY INFORMATION FOR:

- Property Details

PROPERTY MAP

PHYSICAL LOCATION

LEGAL DESCRIPTION

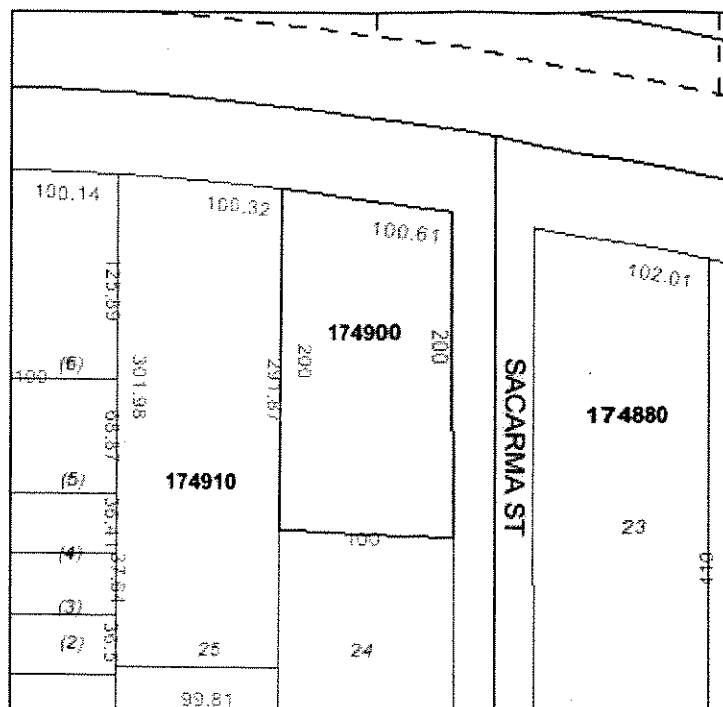
SECTION, TOWNSHIP, RANGE

MILLAGE GROUP

100C

PC CODE

08 - MULTI FAMILY LESS THAN 10 UNITS



Building Details

NUMBER OF BUILDINGS

1

NUMBER OF COMMERCIAL BUILDINGS

1

TOTAL LIVING AREA

2766

YEAR BUILT

1953

Land Details

LAND USE CODE

010D - RESIDENTIAL DRY

LAND AREA

20000 SF

Parcel Value History

<u>TAX ROLL YEAR</u>	<u>BUILDING</u>	<u>MISCELLANEOUS IMPROVEMENTS</u>	<u>LAND</u>	<u>JUST</u>	<u>EXEMPTIONS (NOT INCLUDING SENIORS)</u>	<u>TAXABLE</u>
2005	166,301	1,009	100,000	267,310	0	267,310
2004	149,097	1,019	40,000	190,116	0	190,116
2003	193,826	1,026	40,000	234,852	0	234,852

Parcel Sales History

NOTE - OUR RECORDS ARE TYPICALLY TWO TO THREE MONTHS BEHIND FROM THE DATE OF SALE. IF A RECENT SALE DOES NOT SHOW UP PLEASE GIVE OUR OFFICE TIME TO PROCESS IT.

<u>SALE DATE</u>	<u>OFFICIAL RECORDS BOOK/PAGE</u>	<u>PRICE</u>	<u>INSTRUMENT</u>
02/1999	1562/1453	102,000	WD

MONROE COUNTY PROPERTY APPRAISER

PROPERTY INFORMATION FOR:

Alternate Key: 1226955
RE Number: 00174890-000000

Property Details

OWNER OF RECORD

TUCKER DAVID A & MARY
PO BOX 420502
SUMMERLAND KEY FL 33042

PHYSICAL LOCATION

21558 SACARMA ST CUDJOE KEY

LEGAL DESCRIPTION

SACARMA CUDJOE KEY S 250 FT LOT 24 PB2-48 OR44-496-497
OR781-209 OR1089-1373(JMH) OR1194-1162(JMH) OR1463-118
(JMH)

SECTION, TOWNSHIP, RANGE

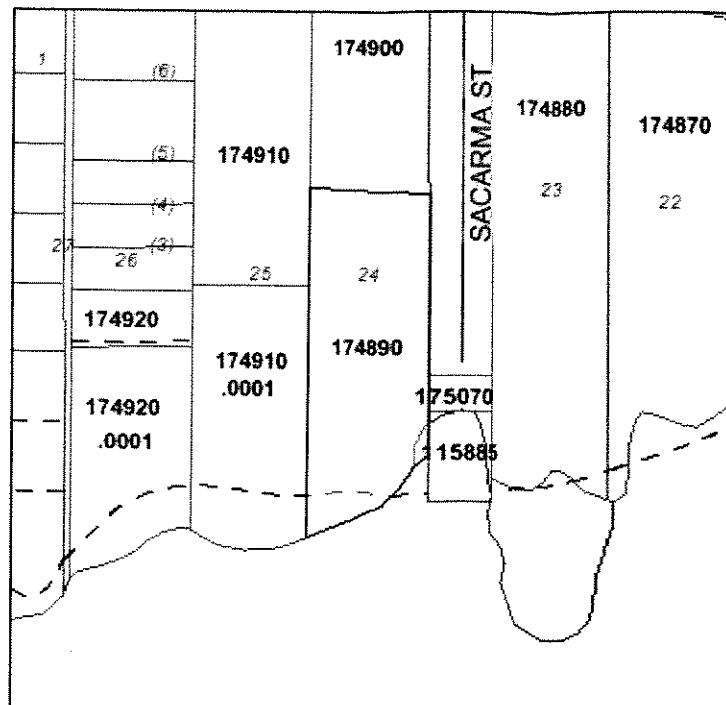
29 - 66 - 28

MILLAGE GROUP

100C

PC CODE

08 - MULTI FAMILY LESS THAN 10UNITS

PROPERTY MAP

Building Details

NUMBER OF BUILDINGS

3

TOTAL LIVING AREA

2634

NUMBER OF COMMERCIAL BUILDINGS

0

YEAR BUILT

1958

Land Details

LAND USE CODE

100W - COMMERCIAL WATERFRON

LAND AREA

25000 SF

Parcel Value History

<u>TAX ROLL YEAR</u>	<u>BUILDING</u>	<u>MISCELLANEOUS IMPROVEMENTS</u>	<u>LAND</u>	<u>JUST</u>	<u>EXEMPTIONS (NOT INCLUDING SENIORS)</u>	<u>TAXABLE</u>
2005	355,426	16,396	125,000	496,822	25,000	342,424
2004	335,541	16,771	50,000	402,312	25,000	292,504
2003	436,203	16,988	50,000	503,191	25,000	339,690

Parcel Sales History

NOTE - OUR RECORDS ARE TYPICALLY TWO TO THREE MONTHS BEHIND FROM THE DATE OF SALE. IF A RECENT SALE DOES NOT SHOW UP PLEASE GIVE OUR OFFICE TIME TO PROCESS IT.

<u>SALE DATE</u>	<u>OFFICIAL RECORDS BOOK/PAGE</u>	<u>PRICE</u>	<u>INSTRUMENT</u>
04/1989	1089/1373	95,000	WD

MONROE COUNTY PROPERTY APPRAISER

PROPERTY INFORMATION FOR:

Alternate Key: 1227145
RE Number: 00175070-000000

Property Details

OWNER OF RECORD

TUCKER DAVID A & MARY
P O BOX 420502
SUMMERLAND KEY FL 33042

PHYSICAL LOCATION

21544 OVERSEAS HWY CUDJOE KEY

LEGAL DESCRIPTION

SACARMAN PB2-48 CUDJOE KEY LOT O OR208-340 OR220-510/511 OR541-744D/C OR614-872 OR767-1331D/C PROB CASE #84-360-CP-12 OR927-98 OR1039-1168/1171 CASE #85-349-CP-12 OR1167-442DC(JB)

SECTION, TOWNSHIP, RANGE

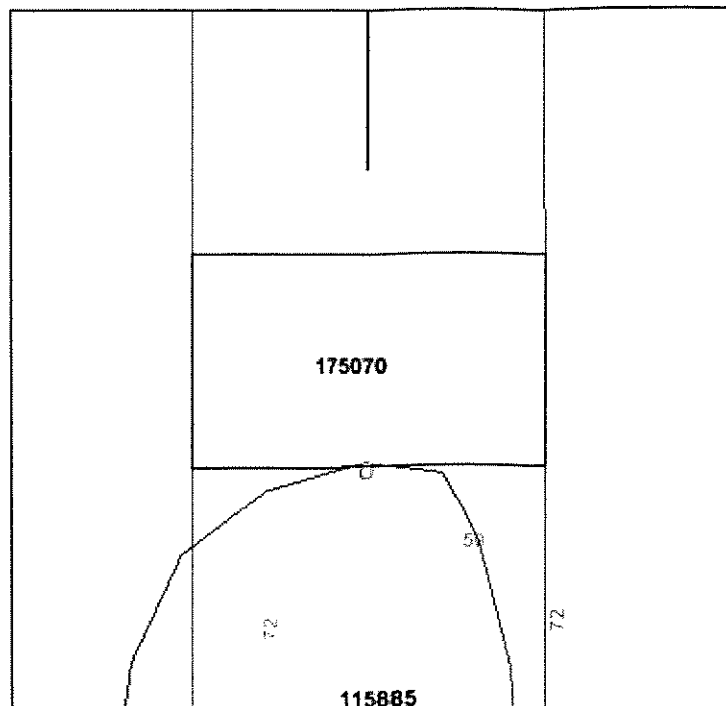
29 - 66 - 28

MILLAGE GROUP

100C

PC CODE

00 - VACANT RESIDENTIAL

PROPERTY MAP

Land Details

LAND USE CODE

000X - ENVIRONMENTALLY SENS

LAND AREA

1 LT

Parcel Value History

<u>TAX ROLL YEAR</u>	<u>BUILDING</u>	<u>MISCELLANEOUS IMPROVEMENTS</u>	<u>LAND</u>	<u>JUST</u>	<u>EXEMPTIONS (NOT INCLUDING SENIORS)</u>	<u>TAXABLE</u>
2005	0	0	50	50	0	50
2004	0	0	50	50	0	50
2003	0	0	50	50	0	50

Parcel Sales History

There are no sales for this parcel.

MONROE COUNTY PROPERTY APPRAISER

PROPERTY INFORMATION FOR:

Alternate Key: 1147591
RE Number: 00115885-000000

Property Details

OWNER OF RECORD

TUCKER DAVID A AND MARY K
PO BOX 503
SUMMERLAND KEY FL 33042

PHYSICAL LOCATION

CUDJOE KEY

LEGAL DESCRIPTION

29 66 28 CUDJOE KEY BAY BTM SLY ADJ LOT O SACARMA
SUB PB2-48 OR682-73 OR897-1716D/C OR901-558/563 WILL
CASE #84-09-CP-23 OR925-639 OR2051-1325Q/C

SECTION, TOWNSHIP, RANGE

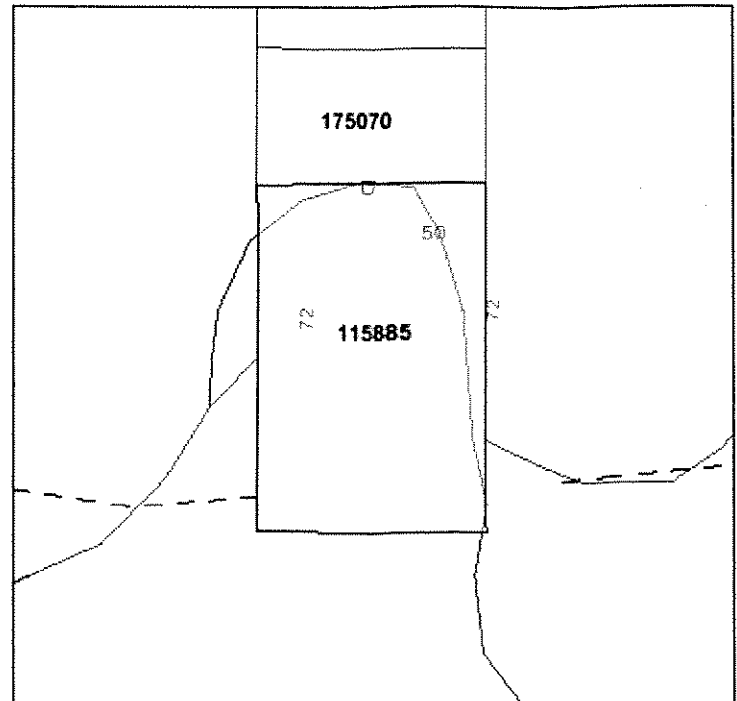
29 - 66 - 28

MILLAGE GROUP

100C

PC CODE

00 - VACANT RESIDENTIAL

PROPERTY MAP

Land Details

LAND USE CODE

000X - ENVIRONMENTALLY SENS

LAND AREA

0.08 AC

Parcel Value History

<u>TAX ROLL YEAR</u>	<u>BUILDING</u>	<u>MISCELLANEOUS IMPROVEMENTS</u>	<u>LAND</u>	<u>JUST</u>	<u>EXEMPTIONS (NOT INCLUDING SENIORS)</u>	<u>TAXABLE</u>
2005	0	0	8	8	0	8
2004	0	0	8	8	0	8
2003	0	0	8	8	0	8

Parcel Sales History

NOTE - OUR RECORDS ARE TYPICALLY TWO TO THREE MONTHS BEHIND FROM THE DATE OF SALE. IF A RECENT SALE DOES NOT SHOW UP PLEASE GIVE OUR OFFICE TIME TO PROCESS IT.

<u>SALE DATE</u>	<u>OFFICIAL RECORDS BOOK/PAGE</u>	<u>PRICE</u>	<u>INSTRUMENT</u>
10/2004	2051/1325	900	QC
10/1984	925/639	200	WD

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[Forms](#)

Jun 13, 2006 10:52AM

[Contact the MCPA office](#)



ONLINE DATA CENTER

RECORDS SEARCH

PROPERTY INFORMATION FOR:

Alternate Key: 1226971
RE Number: 00174910-000000

[Print](#)

[Search Again](#)

[Search Results](#)

[Email office about AK: 1226971](#)

Property Details

OWNER OF RECORD

RAMELLI MICHAEL A
4745 SW 181 ST CT
DUNNELLON FL 34432

PHYSICAL LOCATION

21492 OVERSEAS HWY CUDJOE KEY

LEGAL DESCRIPTION

SACARMA PB-2-48 CUDJOE KEY PT LOT 25
G42-53 OR1143-1576AFF(CMS) OR1362-
1740/42PET(JB) OR1365-538/41 WILL(JB)
OR1365-542/46ORD(JB) OR1630-976/78(JMH)

SECTION, TOWNSHIP, RANGE

29 - 66 - 28

MILLAGE GROUP

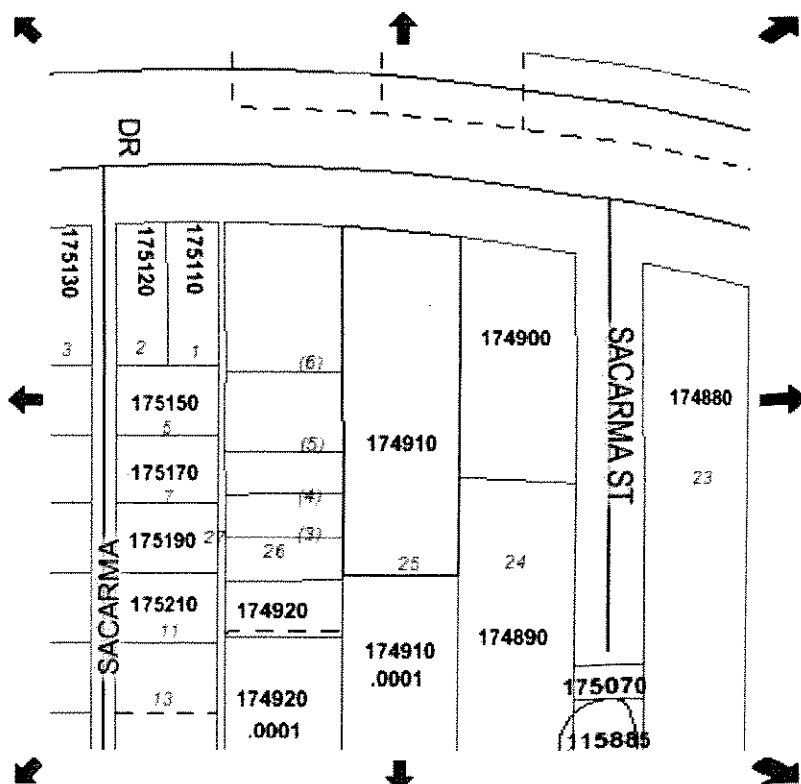
100C

[Estimate Taxes](#)

PC CODE

01 - SINGLE FAMILY

PROPERTY MAP



Map Size

☐ None ☐ Small ☐ Medium ☒ Large

Building Details

NUMBER OF BUILDINGS

1

NUMBER OF COMMERCIAL BUILDINGS

0

TOTAL LIVING AREA

936

YEAR BUILT

2000

Alternate Key: 8964649
RE Number: 00174910-000100

-Property Details

OWNER OF RECORD

DYE DARRELL & DONNA L
17046 ALAMANDA DRIVE WEST
SUGARLOAF KEY FL 33042-3707

PHYSICAL LOCATION

21490 OVERSEAS HWY CUDJOE KEY

LEGAL DESCRIPTION

SACARMA PB2-48 CUDJOE KEY PT LOT 25 G42-53 OR1143-1576/AFF(CMS) OR1362-1740/42/PET(JB) OR1365-538/41/WILL (JB) OR1365-542/46/ORD(JB) OR1630-979/81(JMH)

SECTION, TOWNSHIP, RANGE

29 - 66 - 28

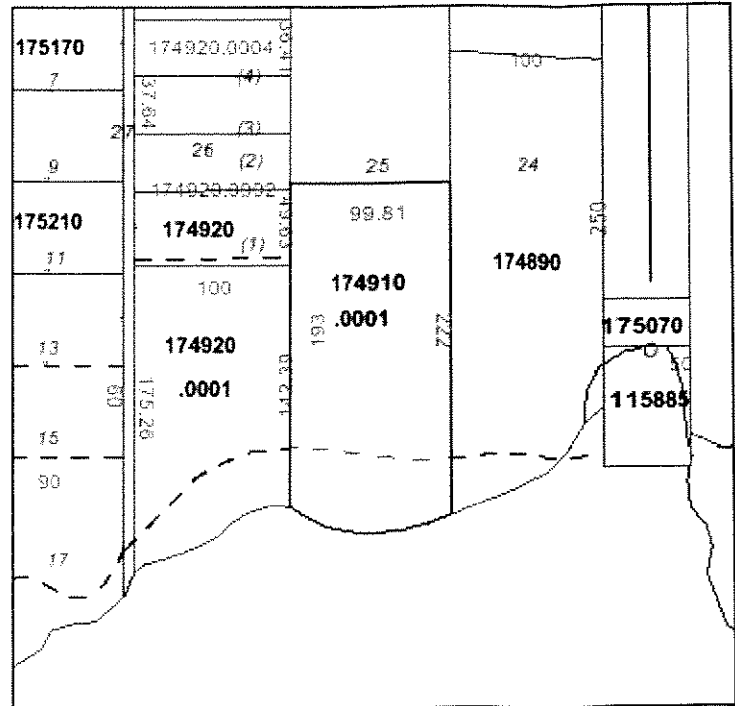
MILLAGE GROUP

100C

PC CODE

01 - SINGLE FAMILY

PROPERTY MAP



- Building Details -

NUMBER OF BUILDINGS

1

NUMBER OF COMMERCIAL BUILDINGS

0

TOTAL LIVING AREA

936

YEAR BUILT

2000

- Land Details -

LAND USE CODE

010D - RESIDENTIAL DRY

LAND AREA

20708 SF

- Parcel Value History

<u>TAX ROLL YEAR</u>	<u>BUILDING</u>	<u>MISCELLANEOUS IMPROVEMENTS</u>	<u>LAND</u>	<u>JUST</u>	<u>EXEMPTIONS (NOT INCLUDING SENIORS)</u>	<u>TAXABLE</u>
2005	150,001	623	103,540	254,164	0	254,164
2004	134,484	644	41,416	176,544	0	176,544
2003	174,829	666	41,416	216,911	0	216,911

Parcel Sales History

There are no sales for this parcel.

Land Details

LAND USE CODE	LAND AREA
100H - COMMERCIAL HIGHWAY	29634 SF

Parcel Value History

TAX ROLL YEAR	BUILDING	MISCELLANEOUS IMPROVEMENTS	LAND	JUST	EXEMPTIONS (NOT INCLUDING SENIORS)	TAXABLE
2005	146,412	4,667	148,170	299,249	0	299,249
2004	131,267	4,789	74,085	210,141	0	210,141
2003	170,647	4,907	74,085	249,639	0	249,639

Parcel Sales History

There are no sales for this parcel.

[View Tax Collector Record](#)

This page has been visited 7,262 times.

<u>SALE DATE</u>	<u>OFFICIAL RECORDS</u> <u>BOOK/PAGE</u>	<u>PRICE</u>	<u>INSTRUMENT</u>
12/2005	2171/792	346,500	QC
09/2001	1724/1893	320,000	WD

02/1999	1560/2482	160,000	WD
12/1994	1335/1653	135,000	WD
03/1988	1046/139	50,000	WD
01/1981	825/1202	75,000	WD
04/1978	758/1964	58,000	00



David A & Mary K Tucker
P.O. Box 420502
Summerland Key, FL 33042

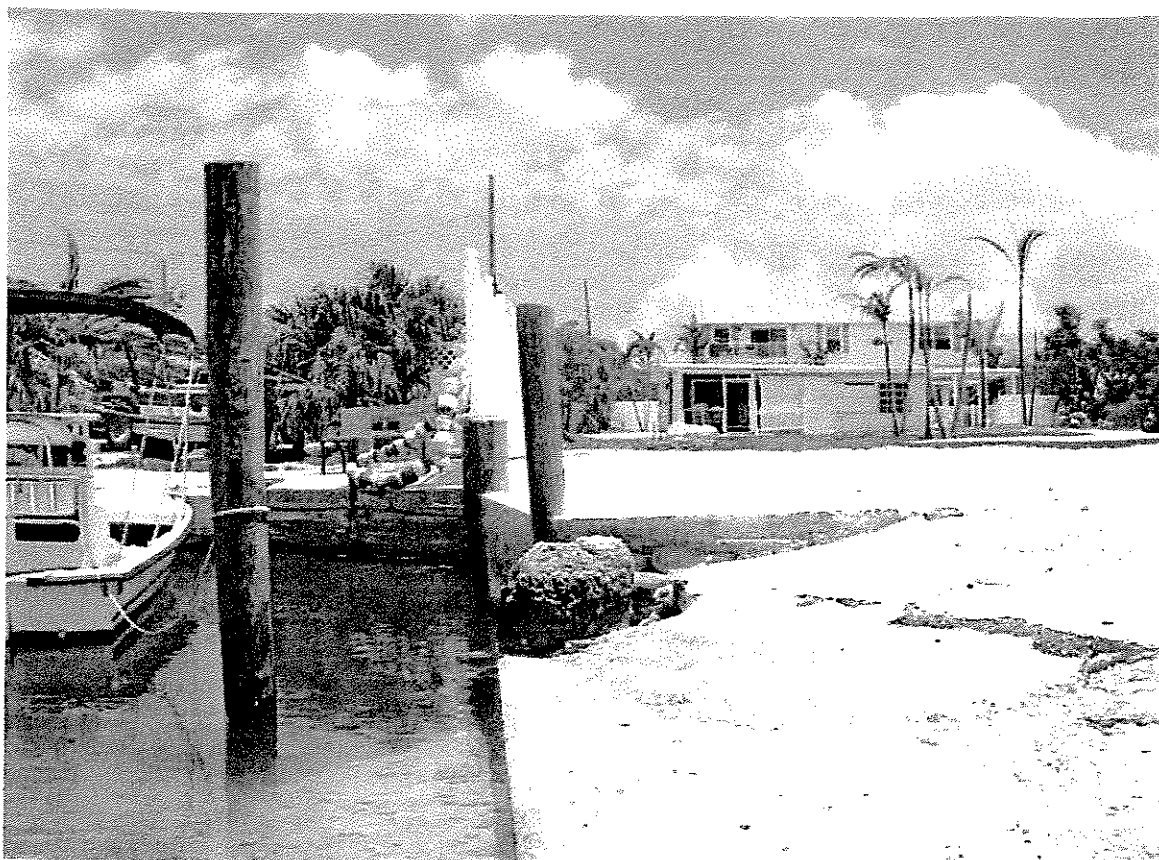
Michael A Ramelli
4745 SW 181 St Ct
Dunnellon, FL 34432

Darrell & Donna L Dye
17046 Alamanda Drive West
Sugarloaf Key, FL 33042

Linda Spencer
1037 Western Ave
Brattleboro, VT 05301



October 25, 2004 photograph of boat basin between Tucker and Spencer properties taken by SWC staff. No pilings exist out in basin itself.



May 18, 2006 photograph of same basin taken by Linda Spencer. This is one of four new pilings installed since permit no. 061-334 was issued on May 2, 2006.